

HOUSE BILL No. 4643

March 25, 1991, Introduced by Reps. Bennane and Strand and referred to the Committee on Judiciary.

A bill to amend sections 356a, 413, 415, 416, and 535a of Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," section 535a as amended by Act No. 140 of the Public Acts of 1988, being sections 750.356a, 750.413, 750.415, 750.416, and 750.535a of the Michigan Compiled Laws; and to add sections 280a, 535c, and 535d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 356a, 413, 415, 416, and 535a of Act
2 No. 328 of the Public Acts of 1931, section 535a as amended by
3 Act No. 140 of the Public Acts of 1988, being sections 750.356a,
4 750.413, 750.415, 750.416, and 750.535a of the Michigan Compiled
5 Laws, are amended and sections 280a, 535c, and 535d are added to
6 read as follows:

1 SEC. 280A. (1) A PERSON WHO, WITH THE INTENT TO INJURE,
2 DEFRAUD, OR DECEIVE AN INSURER, DOES EITHER OF THE FOLLOWING IS
3 GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
4 10 YEARS, OR BY A FINE OF NOT MORE THAN \$20,000.00, OR BOTH:

5 (A) PRESENTS OR CAUSES TO BE PRESENTED TO AN INSURER A WRIT-
6 TEN OR ORAL STATEMENT, INCLUDING BUT NOT LIMITED TO A COMPUTER
7 GENERATED DOCUMENT, AS PART OF, OR IN SUPPORT OF, A CLAIM FOR
8 PAYMENT OR OTHER BENEFIT PURSUANT TO AN INSURANCE POLICY, KNOWING
9 THAT THE STATEMENT CONTAINS FALSE, INCOMPLETE, OR MISLEADING
10 INFORMATION CONCERNING ANY FACT MATERIAL TO THE CLAIM, REGARDLESS
11 OF WHETHER THE INSURER RELIES ON THE STATEMENT.

12 (B) ASSISTS, ABETS, SOLICITS, OR CONSPIRES WITH ANOTHER
13 PERSON TO PREPARE OR MAKE A WRITTEN OR ORAL STATEMENT THAT IS
14 INTENDED TO BE PRESENTED TO AN INSURER IN CONNECTION WITH, OR IN
15 SUPPORT OF, A CLAIM FOR PAYMENT OR OTHER BENEFIT PURSUANT TO AN
16 INSURANCE POLICY, KNOWING THAT THE STATEMENT CONTAINS FALSE,
17 INCOMPLETE, OR MISLEADING INFORMATION CONCERNING ANY FACT MATE-
18 RIAL TO THE CLAIM, REGARDLESS OF WHETHER THE INSURER RELIES ON
19 THE STATEMENT.

20 (2) AS USED IN SUBSECTION (1), "STATEMENT" INCLUDES, BUT IS
21 NOT LIMITED TO, A POLICE REPORT, NOTICE OR PROOF OF LOSS, ASSIGN-
22 MENT OF TITLE, BILL OF SALE, RELEASE OF LIEN, BILL OF LADING,
23 RECEIPT FOR PAYMENT, INVOICE, ACCOUNT, ESTIMATE OF PROPERTY DAM-
24 AGES, BILL FOR SERVICES, DIAGNOSIS, PRESCRIPTION, HOSPITAL OR
25 MEDICAL RECORD, X RAY, TEST RESULTS, OR OTHER EVIDENCE OF LOSS,
26 INJURY, EXPENSE, CONDITION, OR TITLE.

1 (3) ALL CLAIM FORMS PROVIDED TO AN INSURED BY AN INSURER
2 SHALL CONTAIN A STATEMENT THAT CLEARLY STATES IN SUBSTANCE THE
3 FOLLOWING: "A PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE,
4 DEFRAUD, OR DECEIVE AN INSURER, FILES A STATEMENT OF CLAIM CON-
5 TAINING FALSE, INCOMPLETE, OR MISLEADING INFORMATION IS GUILTY OF
6 A FELONY". HOWEVER, THE ABSENCE OF SUCH A STATEMENT FROM A CLAIM
7 FORM DOES NOT CONSTITUTE A DEFENSE AGAINST PROSECUTION UNDER THIS
8 SECTION.

9 Sec. 356a. (1) ~~Any person who shall commit the offense of~~
10 ~~larceny by stealing or unlawfully removing or taking any wheel,~~
11 ~~tire, radio, heater or clock in or on any motor vehicle, house~~
12 ~~trailer, trailer or semi trailer, shall be guilty of a felony,~~
13 ~~punishable by a fine not to exceed \$1,000.00, or by imprisonment~~
14 ~~in the state prison not more than 5 years.~~ A PERSON WHO, WITH
15 THE INTENT TO STEAL, TAKES ANY PART, EQUIPMENT, ACCESSORY, OR
16 ATTACHMENT FROM A MOTOR VEHICLE IS GUILTY OF A FELONY, PUNISHABLE
17 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BY A FINE OF NOT
18 MORE THAN \$10,000.00, OR BOTH.

19 (2) ~~Any~~ A person who ~~shall enter or break~~ ENTERS OR
20 BREAKS into ~~any~~ A motor vehicle, house trailer, trailer, or
21 ~~semi trailer~~ SEMITRAILER, for the purpose of stealing or unlaw-
22 fully removing therefrom any ~~goods, chattels or property of~~
23 ~~the value of not less than \$5.00, or who shall break or enter~~
24 ~~into any motor vehicle, house trailer, trailer or semi trailer,~~
25 ~~for the purpose of stealing or unlawfully removing therefrom any~~
26 ~~goods, chattels or property regardless of the value thereof if in~~
27 ~~so doing such person breaks, tears, cuts or otherwise damages any~~

1 ~~part of such motor vehicle, house trailer, trailer or~~
2 ~~semi-trailer, shall be~~ IS guilty of a felony, punishable by ~~a~~
3 ~~fine not to exceed \$1,000.00, or by~~ imprisonment ~~in the state~~
4 ~~prison~~ FOR not more than 5 years, OR A FINE OF NOT MORE THAN
5 \$10,000.00, OR BOTH.

6 Sec. 413. (1) ~~Taking possession of and driving away a~~
7 ~~motor vehicle. Any~~ A person who ~~shall, wilfully~~ WILLFULLY and
8 without authority ~~, take~~ TAKES possession of and ~~drive~~ DRIVES
9 or ~~take~~ TAKES away A MOTOR VEHICLE BELONGING TO ANOTHER, ~~and~~
10 ~~any~~ OR A person who ~~shall assist~~ ASSISTS in or ~~be~~ IS a party
11 to ~~such~~ THE taking possession ~~, OF~~ OF OR driving or taking away
12 of ~~any~~ A motor vehicle ~~, belonging to another, shall be~~ IS
13 guilty of a felony, punishable by imprisonment ~~in the state~~
14 ~~prison~~ for not more than 5 years. A PERSON WHO STEALS OR
15 ATTEMPTS TO STEAL A MOTOR VEHICLE OR A MAJOR COMPONENT PART OF A
16 MOTOR VEHICLE IS GUILTY OF A FELONY, PUNISHABLE, EXCEPT AS OTHER-
17 WISE PROVIDED IN THIS SECTION, BY IMPRISONMENT FOR NOT MORE THAN
18 5 YEARS, OR A FINE OF NOT MORE THAN \$10,000.00, OR BOTH.

19 (2) A PERSON CONVICTED FOR A SECOND OR SUBSEQUENT TIME UNDER
20 THIS SECTION SHALL SURRENDER HIS OR HER OPERATOR'S OR CHAUFFEUR'S
21 LICENSE TO THE COURT, AND THE COURT SHALL IMMEDIATELY FORWARD THE
22 LICENSE AND THE APPROPRIATE ABSTRACTS OF CONVICTION TO THE SECRE-
23 TARY OF STATE. UPON RECEIPT OF THE ABSTRACTS OF CONVICTION, THE
24 SECRETARY OF STATE SHALL REVOKE THE OPERATOR'S OR CHAUFFEUR'S
25 LICENSE OF THE PERSON CONVICTED. THE SECRETARY OF STATE SHALL
26 NOT ISSUE AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE PERSON

1 UNTIL THE EXPIRATION OF NOT LESS THAN 2 YEARS AFTER THE DATE OF
2 THE LAST CONVICTION.

3 (3) A THIRD OR SUBSEQUENT CONVICTION UNDER THIS SECTION IS
4 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR A FINE
5 OF NOT MORE THAN \$20,000.00, OR BOTH.

6 (4) IF A PERSON IS CONVICTED UNDER THIS SECTION AND HAS 1 OR
7 MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF
8 THIS SECTION OR SECTION 414, 415, 535, 535A, OR 535D, ALL OF THE
9 FOLLOWING APPLY:

10 (A) IF THE PERSON, OR AN ENTITY OWNED IN WHOLE OR IN PART BY
11 THE PERSON, HOLDS A DEALER LICENSE, A MOTOR VEHICLE REPAIR FACIL-
12 ITY REGISTRATION, OR A MECHANIC'S CERTIFICATE ISSUED BY THE SEC-
13 RETARY OF STATE UNDER SECTION 248 OF THE MICHIGAN VEHICLE CODE,
14 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF
15 THE MICHIGAN COMPILED LAWS, OR UNDER THE MOTOR VEHICLE SERVICE
16 AND REPAIR ACT, ACT NO. 300 OF THE PUBLIC ACTS OF 1974, BEING
17 SECTIONS 257.1301 TO 257.1340 OF THE MICHIGAN COMPILED LAWS, THE
18 PERSON CONVICTED SHALL SURRENDER TO THE COURT THE LICENSE, REGIS-
19 TRATION, OR CERTIFICATE ISSUED BY THE SECRETARY OF STATE AND THE
20 COURT SHALL IMMEDIATELY FORWARD THE LICENSE, REGISTRATION, OR
21 CERTIFICATE AND THE APPROPRIATE ABSTRACTS OF CONVICTION TO THE
22 SECRETARY OF STATE. UPON RECEIPT OF THE ABSTRACTS OF CONVICTION,
23 THE SECRETARY OF STATE SHALL REVOKE THE DEALER LICENSE, MOTOR
24 VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S CERTIFICATE
25 OF THE PERSON CONVICTED OR OF THE ENTITY OWNED IN WHOLE OR IN
26 PART BY THE PERSON.

1 (B) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
2 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S
3 CERTIFICATE TO THE PERSON CONVICTED OR TO AN ENTITY OWNED IN
4 WHOLE OR IN PART BY THE PERSON UNTIL THE EXPIRATION OF NOT LESS
5 THAN 5 YEARS AFTER THE DATE OF THE LAST CONVICTION.

6 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS UNDER THIS
7 SECTION, THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
8 OR MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO THE PERSON CON-
9 VICTED OR TO AN ENTITY OWNED IN WHOLE OR IN PART BY THE PERSON.

10 (5) A PERSON WHO VIOLATES THIS SECTION, UPON CONVICTION, IN
11 ADDITION TO ANY OTHER PUNISHMENT, MAY BE ORDERED TO MAKE RESTITU-
12 TION TO THE RIGHTFUL OWNER OF A STOLEN MOTOR VEHICLE OR OF A
13 STOLEN MAJOR COMPONENT PART, OR TO THE OWNER'S INSURER IF THE
14 OWNER HAS ALREADY BEEN COMPENSATED FOR THE LOSS BY THE INSURER,
15 FOR ANY FINANCIAL LOSS SUSTAINED AS A RESULT OF THE THEFT OF THE
16 MOTOR VEHICLE OR A MAJOR COMPONENT PART. RESTITUTION MAY BE
17 IMPOSED IN ADDITION TO, BUT NOT IN LIEU OF, ANY IMPRISONMENT OR
18 FINE IMPOSED.

19 (6) AS USED IN THIS SECTION AND SECTIONS 415 AND 416:

20 (A) "MAJOR COMPONENT PART" MEANS THAT TERM AS DEFINED IN
21 SECTION 535A.

22 (B) "MOTOR VEHICLE" MEANS A DEVICE IN, UPON, OR BY WHICH A
23 PERSON OR PROPERTY MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY AND
24 THAT IS SELF-PROPELLED OR MAY BE CONNECTED TO AND TOWED BY A
25 SELF-PROPELLED DEVICE, OR A LAND-BASED DEVICE THAT IS
26 SELF-PROPELLED BUT IS NOT DESIGNED FOR USE UPON A HIGHWAY,

1 INCLUDING BUT NOT LIMITED TO, FARM MACHINERY, A BULLDOZER, OR A
2 STEAM SHOVEL.

3 Sec. 415. (1) A person who, without the intent to mislead
4 another as to the identity of the vehicle, conceals or misrepre-
5 sents the identity of a motor vehicle, MAJOR COMPONENT PART, or
6 ~~of a mechanical device, by removing or defacing the~~
7 ~~manufacturer's serial number or the engine or motor number on the~~
8 ~~motor vehicle, or by replacing a part of the motor vehicle or~~
9 ~~mechanical device bearing the serial number or engine or motor~~
10 ~~number of the vehicle with a new part, upon which the proper~~
11 ~~serial number or engine or motor number has not been stamped,~~
12 DOING EITHER OF THE FOLLOWING is guilty of a misdemeanor:

13 (A) REMOVING OR DEFACING THE MANUFACTURER'S SERIAL NUMBER,
14 THE ENGINE OR MOTOR NUMBER, OR ANY OTHER NUMBER PLACED ON THE
15 MOTOR VEHICLE, MAJOR COMPONENT PART, OR MECHANICAL DEVICE BY THE
16 MANUFACTURER TO IDENTIFY THE VEHICLE, PART, OR DEVICE.

17 (B) REPLACING A PART OF THE MOTOR VEHICLE OR MECHANICAL
18 DEVICE BEARING THE SERIAL NUMBER, THE ENGINE OR MOTOR NUMBER, OR
19 ANY OTHER NUMBER PLACED ON THE MOTOR VEHICLE, MAJOR COMPONENT
20 PART, OR MECHANICAL DEVICE BY THE MANUFACTURER TO IDENTIFY THE
21 VEHICLE, PART, OR DEVICE, WITH A NEW OR REPLACEMENT PART, UPON
22 WHICH THE PROPER SERIAL NUMBER, ENGINE OR MOTOR NUMBER, OR OTHER
23 NUMBER DESCRIBED IN THIS SUBDIVISION HAS NOT BEEN STAMPED.

24 (2) A person who, with the intent to mislead another as to
25 the identity of a vehicle, ~~conceals or misrepresents the iden-~~
26 ~~tity of a motor vehicle or of a mechanical device, by removing or~~
27 ~~defacing the manufacturer's serial number or the engine or motor~~

1 ~~number on the motor vehicle, or by replacing a part of the motor~~
2 ~~vehicle or mechanical device bearing the serial number or engine~~
3 ~~or motor number of the vehicle, with a new part, upon which the~~
4 ~~proper serial number or engine or motor number has not been~~
5 ~~stamped,~~ DOES AN ACT DESCRIBED IN SUBSECTION (1)(A) OR (B) IS
6 guilty of a felony, ~~and if~~ PUNISHABLE BY IMPRISONMENT FOR NOT
7 MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$10,000.00, OR
8 BOTH. IN ADDITION, IF the person WHO VIOLATES THIS SUBSECTION IS
9 a licensed dealer, the license shall be revoked. THE COURT SHALL
10 ORDER THE PERSON TO SURRENDER THE LICENSE TO THE COURT AND SHALL
11 FORWARD THE LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRE-
12 TARY OF STATE. THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER
13 LICENSE TO A PERSON CONVICTED UNDER THIS SUBSECTION FOR A PERIOD
14 OF NOT LESS THAN 5 YEARS AFTER THE DATE OF CONVICTION.

15 (3) In all prosecutions under this section, possession by a
16 person of a motor vehicle, MAJOR COMPONENT PART, or ~~of a~~
17 mechanical device with the manufacturer's serial number, ~~or the~~
18 engine or motor number, OR OTHER NUMBER DESCRIBED IN
19 SUBSECTION (1) removed, defaced, destroyed, or altered or with a
20 part bearing the number or numbers replaced by one on which the
21 proper number does not appear, ~~shall be~~ IS prima facie evidence
22 of violation of this section.

23 (4) If the identification of a motor vehicle, MAJOR COMPO-
24 NENT PART, or ~~a~~ mechanical device has been removed, defaced, or
25 altered as provided in this section, and the real identity of the
26 motor vehicle, MAJOR COMPONENT PART, or mechanical device cannot
27 be determined, the motor vehicle, MAJOR COMPONENT PART, or

1 mechanical device ~~shall be~~ IS subject to confiscation by the
2 state, and ~~shall~~ MAY be DESTROYED OR sold at public auction.
3 If the ~~items are~~ VEHICLE, PART, OR DEVICE IS confiscated from a
4 licensed vehicle dealer, the dealer's license shall be revoked.

5 (5) AS USED IN THIS SECTION, "LICENSED DEALER" MEANS A
6 PERSON LICENSED AS A DEALER BY THE SECRETARY OF STATE UNDER
7 SECTION 248 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE
8 PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF THE MICHIGAN
9 COMPILED LAWS.

10 Sec. 416. ~~Damaging or unauthorized tampering or meddling~~
11 ~~with motor vehicle~~ Any person shall be guilty of a misdemeanor,
12 ~~who shall:~~

13 ~~Intentionally and without authority from the owner, start or~~
14 ~~cause to be started the motor of any motor vehicle, or mali-~~
15 ~~ciously shift or change the starting device or gears of a stand-~~
16 ~~ing motor vehicle to a position other than that in which it was~~
17 ~~left by the owner or driver of said motor vehicle; or~~

18 ~~Intentionally cut, mark, scratch or damage the chassis, run-~~
19 ~~ning gear, body, sides, top, covering or upholstering of any~~
20 ~~motor vehicle, the property of another, or intentionally cut,~~
21 ~~mash, mark, destroy or damage such motor vehicle, or any of the~~
22 ~~accessories, equipment, appurtenances or attachments thereof, or~~
23 ~~any spare or extra parts thereon being or thereto attached, with-~~
24 ~~out the permission of the owner thereof; or~~

25 ~~Intentionally release the brake upon any standing motor~~
26 ~~vehicle, with intent to injure said machine or cause the same to~~
27 ~~be removed without the consent of the owner: Provided, That this~~

~~1 section shall not apply in case of moving or starting of motor~~
~~2 vehicles by the police under authority of local ordinance or by~~
~~3 members of fire departments in case of emergency in the vicinity~~
~~4 of a fire.~~ A PERSON WHO, INTENTIONALLY AND WITHOUT AUTHORITY
5 FROM THE OWNER, BREAKS, CUTS, MARKS, SCRATCHES, OR OTHERWISE DAM-
6 AGES A MAJOR COMPONENT PART, EQUIPMENT, ACCESSORY, OR ATTACHMENT
7 ON A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY
8 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN
9 \$1,000.00, OR BOTH.

10 Sec. 535a. (1) As used in this section AND SECTIONS 535C
11 AND 535D:

12 (a) "Bona fide purchaser for value" means a person who pur-
13 chases property for value in good faith and without notice of any
14 adverse claim to the property.

15 (b) "Chop shop" means any area, building, storage lot,
16 field, or any other premises or place where 1 or more persons are
17 engaged or have engaged in altering, dismantling, reassembling,
18 or in any way concealing or disguising the identity of a stolen
19 motor vehicle or of any major component part of a stolen motor
20 vehicle; or any area, building, storage lot, field, or any other
21 premises or place where there are 3 or more stolen motor vehicles
22 present or where there are major component parts from 3 or more
23 stolen motor vehicles present.

24 (c) "CONVERTED MAJOR COMPONENT PART" MEANS A MAJOR COMPONENT
25 PART THAT HAS BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO
26 AN INSURANCE COMPANY.

1 (D) "CONVERTED MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT HAS
2 BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO AN INSURANCE
3 COMPANY.

4 (E) ~~(c)~~ "Major component part" means 1 of the following
5 parts of a motor vehicle:

6 (i) The engine.

7 (ii) The transmission.

8 (iii) The right or left front fender.

9 (iv) The hood.

10 (v) A door allowing entrance to or egress from the passenger
11 compartment of the vehicle.

12 (vi) The front or rear bumper.

13 (vii) The right or left rear quarter panel.

14 (viii) The deck lid, tailgate, or hatchback.

15 (ix) The trunk floor pan.

16 (x) The cargo box of a pickup.

17 (xi) The frame, or if the vehicle has a unitized body, the
18 supporting structure or structures ~~which~~ THAT serve as the
19 frame.

20 (xii) The cab of a truck.

21 (xiii) The body of a passenger vehicle.

22 (xiv) Any other part of a motor vehicle ~~which~~ THAT the
23 secretary of state determines is comparable in design or function
24 to any of the parts listed in subparagraphs (i) to (xiii).

25 (F) ~~(d)~~ "Motor vehicle" means a device in, upon, or by
26 which a person or property is or may be transported or drawn upon
27 a highway that is self-propelled or that may be connected to and

1 towed by a self-propelled device, and a land-based device that is
2 self-propelled but is not designed for use upon a highway,
3 including, but not limited to, farm machinery, a bulldozer, and a
4 steam shovel.

5 (2) Except as provided in ~~subsection (3)~~ SUBSECTIONS (6)
6 AND (7), a person who knowingly owns, operates, or conducts a
7 chop shop or who knowingly aids and abets another person in
8 owning, operating, or conducting a chop shop is guilty of a
9 felony, punishable by imprisonment for not more than ~~5~~
10 10 years, or by a fine of not more than ~~\$5,000.00~~ \$10,000.00,
11 or both.

12 (3) A PERSON CONVICTED UNDER THIS SECTION SHALL SURRENDER
13 HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE COURT, AND
14 THE COURT SHALL IMMEDIATELY FORWARD THE LICENSE AND AN ABSTRACT
15 OF CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE
16 ABSTRACT OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE
17 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON CONVICTED. THE
18 SECRETARY OF STATE SHALL NOT ISSUE AN OPERATOR'S OR CHAUFFEUR'S
19 LICENSE TO THE PERSON UNTIL THE EXPIRATION OF NOT LESS THAN 2
20 YEARS AFTER THE DATE OF THE CONVICTION.

21 (4) IF A PERSON CONVICTED UNDER THIS SECTION, OR AN ENTITY
22 OWNED IN WHOLE OR IN PART BY THE PERSON, HOLDS A DEALER LICENSE,
23 A MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR A MECHANIC'S
24 CERTIFICATE ISSUED BY THE SECRETARY OF STATE UNDER SECTION 248 OF
25 THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
26 1949, BEING SECTION 257.248 OF THE MICHIGAN COMPILED LAWS, OR
27 UNDER THE MOTOR VEHICLE SERVICE AND REPAIR ACT, ACT NO. 300 OF

1 THE PUBLIC ACTS OF 1974, BEING SECTIONS 257.1301 TO 257.1340 OF
2 THE MICHIGAN COMPILED LAWS, THE COURT SHALL ORDER THE PERSON CON-
3 VICTED TO SURRENDER TO THE COURT THE LICENSE, REGISTRATION, OR
4 CERTIFICATE ISSUED BY THE SECRETARY OF STATE AND SHALL FORWARD
5 THE LICENSE, REGISTRATION, OR CERTIFICATE AND AN ABSTRACT OF CON-
6 VICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE ABSTRACT
7 OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE DEALER
8 LICENSE, MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR
9 MECHANIC'S CERTIFICATE OF THE PERSON CONVICTED OR THE ENTITY
10 OWNED IN WHOLE OR IN PART BY THE PERSON.

11 (5) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
12 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S CERTIF-
13 ICATE TO A PERSON CONVICTED UNDER THIS SECTION, OR TO AN ENTITY
14 OWNED IN WHOLE OR IN PART BY THE PERSON, UNTIL THE EXPIRATION OF
15 NOT LESS THAN 5 YEARS AFTER THE DATE OF THE CONVICTION.

16 (6) ~~(3)~~ Upon a second ~~or subsequent~~ conviction under
17 this section, the person convicted may be imprisoned for not more
18 than ~~5~~ 15 years and shall be fined not less than \$10,000.00.

19 (7) IF A PERSON CONVICTED UNDER THIS SECTION HAS 2 OR MORE
20 PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF THIS
21 SECTION OR SECTION 413, 414, 415, OR 535, THE PERSON MAY BE
22 IMPRISONED FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
23 \$20,000.00 MAY BE IMPOSED, OR BOTH THE IMPRISONMENT AND THE FINE
24 MAY BE IMPOSED.

25 (8) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
26 OR A MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO A PERSON WHO
27 HAS 3 OR MORE CONVICTIONS UNDER THIS SECTION.

1 (9) ~~(4)~~ A person who violates this section, upon
2 conviction, in addition to any other punishment, may be ordered
3 to make restitution to the rightful owner of a stolen motor vehi-
4 cle or of a stolen major component part, or to the owner's
5 insurer if the owner has already been compensated for the loss by
6 the insurer, for any financial loss sustained as a result of the
7 theft of the motor vehicle or a major component part.

8 Restitution may be imposed in addition to, but not instead of,
9 any imprisonment or fine imposed.

10 (10) ~~(5)~~ All of the following are subject to seizure and,
11 if a person is charged with a violation or attempted violation of
12 subsection (2) and is convicted of a violation or attempted vio-
13 lation of subsection (2) or section 415, 416, 535, or 536a, all
14 of the following are subject to forfeiture:

15 (a) An engine, tool, machine, implement, device, chemical,
16 or substance used or designed for altering, DESTROYING,
17 SECRETING, dismantling, reassembling, or in any other way con-
18 cealing or disguising the identity of a stolen OR CONVERTED motor
19 vehicle or ~~any~~ major component part.

20 (b) A stolen OR CONVERTED motor vehicle or major component
21 part found at the site of a chop shop or a motor vehicle or major
22 component part for which there is probable cause to believe that
23 it is stolen.

24 (c) A wrecker, car hauler, or any other motor vehicle that
25 is used or has been used to convey or transport a stolen OR
26 CONVERTED motor vehicle or major component part.

1 (d) Books, records, money, negotiable instruments, or other
2 personal property or real property, except real property that is
3 the primary residence of the spouse or a dependent child of the
4 owner, that is or has been used in a chop shop operation.

5 (11) ~~(6)~~ Except as provided in subsection ~~(7)~~ (12),
6 property described in subsection ~~(5)~~ (10) may be seized by a
7 state or local law enforcement agency upon process issued by the
8 recorder's court of the city of Detroit or the district or cir-
9 cuit court having jurisdiction over the property. Seizure with-
10 out process may be made in any of the following cases:

11 (a) The seizure is incident to an arrest or pursuant to a
12 search warrant or an inspection under an administrative inspec-
13 tion warrant.

14 (b) The property subject to seizure has been the subject of
15 a prior judgment in favor of this state in a forfeiture proceed-
16 ing based upon this section.

17 (c) Exigent circumstances exist that preclude the obtaining
18 of process and there is probable cause to believe that the prop-
19 erty was used or is intended to be used in violation of this
20 section.

21 (12) ~~(7)~~ In order to retain, pending the forfeiture hear-
22 ing, property for which seizure and forfeiture is sought under
23 this section, a licensed used or secondhand vehicle parts dealer
24 or the owner may post a bond in the amount of 1-1/2 times the
25 value of the property. This subsection does not apply to a motor
26 vehicle or major component part that is to be used as evidence in
27 a criminal proceeding.

1 (13) ~~(8)~~ In the event of a seizure of property other than
2 real property pursuant to subsection ~~(6)~~ (11), the seizing law
3 enforcement agency shall do 1 or more of the following, subject
4 to subsection ~~(9)~~ (14):

5 (a) Place the property under seal.

6 (b) Remove the property to a designated storage area.

7 (c) Petition the recorder's court of the city of Detroit or
8 the district or circuit court to appoint a custodian to take cus-
9 tody of the property and to remove it to an appropriate location
10 for disposition in accordance with law.

11 (14) ~~(9)~~ If property is seized without process under
12 subsection ~~(6)~~ (11), within 14 days after the seizure, the
13 seizing agency shall return the property to the person from whom
14 it was seized unless a hearing has been scheduled to determine
15 whether the seizure was proper and reasonable notice of the hear-
16 ing has been given.

17 ~~(10) The rightful owner of any property under~~
18 ~~subsection (5) that is to be forfeited shall be served notice at~~
19 ~~least 10 days before the matter is to be heard regarding the for-~~
20 ~~feiture, and if the rightful owner did not know of and did not~~
21 ~~consent to the commission of the crime, the property shall be~~
22 ~~returned to the rightful owner. If the rightful owner of the~~
23 ~~property is not known or cannot be found, notice may be served by~~
24 ~~publishing notice of the forfeiture hearing not less than 10 days~~
25 ~~before the date of the hearing in a newspaper of general circula-~~
26 ~~tion in the county where the hearing is to be held. The notice~~

~~1 shall contain a general description of the property and any
2 serial or registration numbers on the property.~~

3 (15) IN CASE OF A SEIZURE PURSUANT TO SUBSECTION (11), FOR-
4 FEITURE PROCEEDINGS SHALL BE INSTITUTED PROMPTLY. IF SEIZURE IS
5 MADE WITHOUT PROCESS AS PROVIDED UNDER SUBSECTION (11) AND THE
6 TOTAL VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED \$100,000.00,
7 THE FOLLOWING PROCEDURE SHALL BE USED:

8 (A) THE LOCAL UNIT OF GOVERNMENT SEIZING THE PROPERTY OR, IF
9 THE PROPERTY IS SEIZED BY THE STATE, THE STATE SHALL CAUSE NOTICE
10 OF THE SEIZURE OF THE PROPERTY AND THE INTENTION TO FORFEIT AND
11 DISPOSE OF THE PROPERTY ACCORDING TO THIS SECTION TO BE GIVEN TO
12 THE OWNER OF THE PROPERTY BY DELIVERING THE NOTICE TO THE OWNER
13 OR BY SENDING THE NOTICE TO THE OWNER BY CERTIFIED MAIL. IF THE
14 NAME AND ADDRESS OF THE OWNER ARE NOT REASONABLY ASCERTAINABLE,
15 OR DELIVERY OF THE NOTICE CANNOT REASONABLY BE ACCOMPLISHED, THE
16 NOTICE SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION
17 IN THE COUNTY IN WHICH THE PROPERTY WAS SEIZED FOR 10 SUCCESSIVE
18 PUBLISHING DAYS.

19 (B) ANY PERSON CLAIMING AN INTEREST IN PROPERTY THAT IS THE
20 SUBJECT OF A NOTICE UNDER SUBDIVISION (A) MAY WITHIN 20 DAYS
21 AFTER RECEIPT OF THE NOTICE, OR OF THE DATE OF THE FIRST PUBLICA-
22 TION OF THE NOTICE, FILE A CLAIM WITH THE LOCAL UNIT OF GOVERN-
23 MENT OR THE STATE EXPRESSING HIS OR HER INTEREST IN THE
24 PROPERTY. UPON THE FILING OF THE CLAIM, AND THE GIVING OF A BOND
25 TO THE LOCAL UNIT OF GOVERNMENT OR THE STATE IN THE AMOUNT OF
26 \$250.00 WITH SURETIES APPROVED BY THE LOCAL UNIT OF GOVERNMENT OR
27 THE STATE CONDITIONED THAT IN CASE THE PROPERTY IS ORDERED

1 FORFEITED BY THE COURT THE OBLIGOR SHALL PAY ALL COSTS AND
2 EXPENSES OF THE FORFEITURE PROCEEDINGS, THE LOCAL UNIT OF GOVERN-
3 MENT OR THE STATE SHALL TRANSMIT THE CLAIM AND BOND WITH A LIST
4 AND DESCRIPTION OF THE PROPERTY SEIZED TO THE ATTORNEY GENERAL,
5 THE PROSECUTING ATTORNEY FOR THE COUNTY, OR THE CITY OR TOWNSHIP
6 ATTORNEY FOR THE LOCAL UNIT OF GOVERNMENT IN WHICH THE SEIZURE
7 WAS MADE. THE ATTORNEY GENERAL, PROSECUTING ATTORNEY, OR CITY OR
8 TOWNSHIP ATTORNEY SHALL PROMPTLY INSTITUTE FORFEITURE PROCEEDINGS
9 AFTER THE EXPIRATION OF THE 20-DAY PERIOD.

10 (C) IF NO CLAIM IS FILED OR BOND IS GIVEN WITHIN THE 20-DAY
11 PERIOD AS DESCRIBED IN SUBDIVISION (B), THE LOCAL UNIT OF GOVERN-
12 MENT OR THE STATE SHALL DECLARE THE PROPERTY FORFEITED AND SHALL
13 DISPOSE OF THE PROPERTY ACCORDING TO SUBSECTIONS (17) AND (18).

14 (16) ~~(+1)~~ A forfeiture of property encumbered by a bona
15 fide security interest is subject to the interest of the secured
16 party who neither had knowledge of nor consented to the act or
17 omission in violation of this section.

18 (17) ~~(+2)~~ Any property seized under subsection ~~(6)~~ (11)
19 that was stolen shall be returned to its rightful owner if that
20 ownership can be established to the satisfaction of the seizing
21 law enforcement agency. Any stolen property that is unclaimed
22 after seizure may be sold pursuant to law.

23 (18) ~~(+3)~~ Any property forfeited under this section may be
24 sold pursuant to an order of the court. The proceeds of the sale
25 shall be distributed by the court having jurisdiction over the
26 forfeiture proceeding to the entity having budgetary authority
27 over the seizing law enforcement agency. If more than 1 law

1 enforcement agency was substantially involved in effecting the
2 forfeiture, the court having jurisdiction over the forfeiture
3 proceeding shall distribute equitably the proceeds of the sale
4 among the entities having budgetary authority over the seizing
5 law enforcement agencies. Twenty-five percent of the money
6 received by an entity under this subsection shall be used to
7 enhance law enforcement efforts pertaining to this section.

8 (19) ~~(14)~~ This section does not apply to a person who is a
9 bona fide purchaser for value of the motor vehicle or major com-
10 ponent parts. ~~described in subsection (1).~~

11 SEC. 535C. (1) THE PROSECUTING ATTORNEY MAY PETITION THE
12 CIRCUIT COURT FOR EQUITABLE RELIEF IN THE NAME OF THIS STATE TO
13 ABATE THE OPERATION OF A CHOP SHOP AND TO PERPETUALLY ENJOIN A
14 PERSON, OR AN AGENT OR EMPLOYEE OF THE PERSON, WHO OWNS, LEASES,
15 OR MAINTAINS A BUILDING OR PLACE FROM USING OR PERMITTING THE USE
16 OF THE BUILDING FOR THE OPERATION OF A CHOP SHOP. IF AN INJUNC-
17 TION IS GRANTED, IT SHALL BE BINDING ON THE DEFENDANT THROUGHOUT
18 THIS STATE.

19 (2) FOR PURPOSES OF THIS SECTION, THE PERSON WHO OWNS A
20 BUILDING OR PLACE IS CONSIDERED TO BE THE GRANTEE OR VENDEE OF
21 THE LAST RECORDED DEED OR CONTRACT THAT DESCRIBES THE BUILDING OR
22 PLACE, OR ANY PART OF THE BUILDING OR PLACE, UPON WHICH A CHOP
23 SHOP EXISTS. THE NAMING OF THIS PERSON AS A PARTY DEFENDANT
24 GIVES THE COURT AUTHORITY TO ABATE THE NUISANCE BY CLOSING THE
25 BUILDING OR PLACE, AND THE DEFENDANT IS SUBJECT TO THE ORDER AND
26 JUDGMENT OF THE COURT.

1 (3) IN AN ACTION BROUGHT UNDER SUBSECTION (1), EVIDENCE OF
2 THE GENERAL REPUTATION OF THE BUILDING OR PLACE IS ADMISSIBLE FOR
3 THE PURPOSE OF PROVING THE EXISTENCE OF THE CHOP SHOP. PROOF OF
4 KNOWLEDGE OF THE EXISTENCE OF THE CHOP SHOP ON THE PART OF THE
5 DEFENDANT IS NOT REQUIRED. IT IS NOT NECESSARY FOR THE COURT TO
6 FIND THAT THE PROPERTY INVOLVED IS BEING USED FOR THE OPERATION
7 OF A CHOP SHOP AT THE TIME OF THE HEARING, OR FOR THE PLAINTIFF
8 TO PROVE THAT THE CHOP SHOP WAS CONTINUING AT THE TIME OF THE
9 FILING OF THE PETITION, IF THE PETITION WAS FILED WITHIN 60 DAYS
10 AFTER THE EXISTENCE OF THE CHOP SHOP BECAME KNOWN TO THE
11 PLAINTIFF. ON A FINDING THAT THE MATERIAL ALLEGATIONS OF THE
12 PETITION ARE TRUE, THE COURT SHALL RENDER JUDGMENT AND ISSUE AN
13 ORDER OF ABATEMENT OR INJUNCTION AS PROVIDED IN THIS SECTION.

14 (4) IF A PERSON VIOLATES AN ORDER OF ABATEMENT OR INJUNCTION
15 GRANTED UNDER THIS SECTION, THE COURT MAY SUMMARILY TRY AND
16 PUNISH THE PERSON AS FOR CONTEMPT. THE VIOLATION SHALL BE
17 CHARGED BY A MOTION SUPPORTED BY AN AFFIDAVIT AND THE COURT, IF
18 SATISFIED OF THE SUFFICIENCY OF THE MOTION AND AFFIDAVIT, SHALL
19 IMMEDIATELY ISSUE A BENCH WARRANT FOR THE ARREST OF THE OFFENDER
20 TO BRING HIM OR HER BEFORE THE COURT TO ANSWER FOR THE
21 VIOLATION. THE COURT MAY PERMIT THE PERSON ARRESTED TO POST BAIL
22 AND MAY FIX THE AMOUNT OF BAIL PENDING A HEARING OF THE MATTERS
23 CHARGED IN THE MOTION. A PERSON WHO IS FOUND TO HAVE VIOLATED AN
24 ORDER OF ABATEMENT OR INJUNCTION GRANTED UNDER THIS SECTION SHALL
25 BE PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 6 MONTHS, OR BY A
26 FINE OF NOT MORE THAN \$5,000.00, OR BOTH.

1 (5) IF THE EXISTENCE OF A CHOP SHOP IS ESTABLISHED IN AN
2 ACTION BROUGHT UNDER SUBSECTION (1), AN ORDER OF ABATEMENT SHALL
3 BE ENTERED AS PART OF THE JUDGMENT IN THE CASE. THE ORDER SHALL
4 DIRECT THE REMOVAL FROM THE BUILDING OR PLACE OF ALL FURNITURE,
5 FIXTURES, AND CONTENTS AND SHALL DIRECT THE SALE OF THE FURNI-
6 TURE, FIXTURES, AND CONTENTS IN THE MANNER PROVIDED FOR THE SALE
7 OF CHATTELS UNDER EXECUTION. THE ORDER SHALL ALSO DIRECT THE
8 EFFECTUAL CLOSING OF THE BUILDING OR PLACE AGAINST ITS USE FOR
9 ANY PURPOSE FOR A PERIOD OF 1 YEAR, UNLESS THE BUILDING OR PLACE
10 IS RELEASED SOONER AS PROVIDED IN THIS SECTION.

11 (6) UPON THE SALE OF THE FURNITURE, FIXTURES, OR CONTENTS OF
12 A BUILDING OR PLACE AS PROVIDED IN SUBSECTION (5), THE OFFICER
13 EXECUTING THE ORDER OF THE COURT SHALL, AFTER DEDUCTING THE
14 EXPENSES OF KEEPING THE PROPERTY AND THE COSTS OF THE SALE, PAY
15 ALL LIENS, ACCORDING TO THEIR PRIORITIES, THAT MAY BE ESTAB-
16 LISHED, BY INTERVENTION OR OTHERWISE AT THE HEARING OR IN OTHER
17 PROCEEDINGS BROUGHT FOR THAT PURPOSE, AS BEING BONA FIDE AND AS
18 HAVING BEEN CREATED WITHOUT THE LIENOR HAVING ANY NOTICE THAT THE
19 PROPERTY WAS BEING USED OR WAS TO BE USED IN THE OPERATION OF A
20 CHOP SHOP. THE OFFICER SHALL DISTRIBUTE ANY REMAINING PROCEEDS
21 OF THE SALE PURSUANT TO SECTION 535A(18).

22 (7) IF A PERSON USES A BUILDING OR PLACE THAT IS DIRECTED TO
23 BE CLOSED PURSUANT TO SUBSECTION (5), WITH KNOWLEDGE THAT THE
24 BUILDING OR PLACE IS CLOSED BY ORDER OF THE COURT, THE PERSON
25 SHALL BE PUNISHED AS FOR CONTEMPT AS PROVIDED IN SUBSECTION (4).

26 (8) FOR REMOVING AND SELLING THE PROPERTY AS PROVIDED IN
27 SUBSECTION (5), THE OFFICER MAY CHARGE AND RECEIVE THE SAME FEES

1 AS HE OR SHE WOULD FOR LEVYING UPON AND SELLING LIKE PROPERTY
2 UPON EXECUTION. FOR CLOSING THE BUILDING OR PLACE AND KEEPING IT
3 CLOSED AS PROVIDED IN SUBSECTION (5), THE COURT SHALL ALLOW PAY-
4 MENT OF A REASONABLE AMOUNT.

5 (9) A PERSON AGAINST WHOM AN ORDER OR JUDGMENT IS ISSUED
6 UNDER THIS SECTION SHALL FORFEIT THE BENEFIT OF ALL PROPERTY
7 EXEMPTIONS, IF REQUIRED FOR THE SATISFACTION OF THE ORDER OR
8 JUDGMENT.

9 (10) THE TAKING AND DISPOSING OF ANY PROPERTY OF THE
10 DEFENDANT PURSUANT TO AN ORDER OR JUDGMENT ISSUED UNDER THIS SEC-
11 TION BY AN OFFICER DIRECTED TO EXECUTE THE ORDER OR JUDGMENT IS
12 NOT A TRESPASS, AND THE OFFICER SHALL NOT BE CIVILLY OR CRIMI-
13 NALLY LIABLE FOR THE TAKING AND DISPOSING OF THE PROPERTY.

14 (11) IF THE OWNER OF A BUILDING OR PLACE AGAINST WHOM AN
15 ACTION IS BROUGHT UNDER SUBSECTION (1) PAYS ALL COSTS OF THE PRO-
16 CEEDING, AND FILES A BOND WITH SURETIES APPROVED BY THE CIRCUIT
17 JUDGE IN THE PENAL SUM OF NOT LESS THAN \$5,000.00 OR MORE THAN
18 \$100,000.00, CONDITIONED THAT HE OR SHE WILL IMMEDIATELY ABATE
19 THE CHOP SHOP AND PREVENT IT FROM BEING ESTABLISHED OR OPERATED
20 WITHIN A PERIOD OF 1 YEAR FROM THE DATE OF THE JUDGMENT, THE
21 COURT MAY ORDER THE BUILDING OR PLACE TO BE DELIVERED TO THE
22 OWNER. IF THE BOND IS GIVEN AND COSTS PAID BEFORE THE ORDER OF
23 ABATEMENT IS ISSUED, THE ACTION IS ABATED AS TO THAT BUILDING OR
24 PLACE ONLY.

25 (12) IF IT APPEARS TO THE COURT THAT THE CONDITIONS OF THE
26 BOND HAVE BEEN VIOLATED, THE PRINCIPAL AND SURETIES ON THE BOND
27 ARE LIABLE FOR THE FULL PENALTY OF THE BOND IN AN ACTION BROUGHT

1 IN THE NAME OF THE STATE OR UPON MOTION IN THE ACTION IN WHICH
2 THE BOND WAS GIVEN.

3 (13) IF THE DEFENDANT APPEALS FROM THE ORDER AND JUDGMENT
4 RENDERED, THE INJUNCTION OR ORDER OF ABATEMENT IS NOT STAYED
5 PENDING THE APPEAL, EXCEPT THAT A STAY MAY BE GRANTED OR THE
6 ORDER OF ABATEMENT MAY BE MODIFIED BY THE COURT OF APPEALS PEND-
7 ING THE APPEAL.

8 SEC. 535D. (1) A PERSON WHO BUYS, RECEIVES, POSSESSES, CON-
9 CEALS, OR AIDS IN THE CONCEALMENT OF A STOLEN OR CONVERTED MOTOR
10 VEHICLE, OR A VEHICLE THAT HAS 1 OR MORE MAJOR COMPONENT PARTS
11 THAT ARE STOLEN OR CONVERTED, IS GUILTY OF A FELONY, PUNISHABLE
12 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BY A FINE OF NOT
13 MORE THAN \$5,000.00, OR BOTH.

14 (2) A SECOND CONVICTION UNDER THIS SECTION IS PUNISHABLE BY
15 IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE
16 THAN \$10,000.00, OR BOTH. A PERSON CONVICTED FOR A SECOND OR
17 SUBSEQUENT TIME UNDER THIS SECTION SHALL SURRENDER HIS OR HER
18 OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE COURT, AND THE COURT
19 SHALL IMMEDIATELY FORWARD THE LICENSE AND THE APPROPRIATE
20 ABSTRACTS OF CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT
21 OF THE ABSTRACTS OF CONVICTION, THE SECRETARY OF STATE SHALL
22 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON
23 CONVICTED. THE SECRETARY OF STATE SHALL NOT ISSUE AN OPERATOR'S
24 OR CHAUFFEUR'S LICENSE TO THE PERSON UNTIL THE EXPIRATION OF NOT
25 LESS THAN 2 YEARS AFTER THE DATE OF THE LAST CONVICTION UNDER
26 THIS SECTION.

1 (3) A PERSON WHO IS CONVICTED UNDER THIS SECTION AND HAS 2
2 OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS
3 OF THIS SECTION OR SECTION 413, 414, 415, 535, OR 535A MAY BE
4 PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BY A FINE
5 OF NOT MORE THAN \$20,000.00, OR BOTH.

6 (4) IF A PERSON IS CONVICTED UNDER THIS SECTION AND HAS 1 OR
7 MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF
8 THIS SECTION OR SECTION 413, 414, 415, 535, OR 535A, ALL OF THE
9 FOLLOWING SHALL APPLY:

10 (A) IF THE PERSON, OR AN ENTITY OWNED IN WHOLE OR IN PART BY
11 THE PERSON, HOLDS A DEALER LICENSE ISSUED BY THE SECRETARY OF
12 STATE UNDER SECTION 248 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
13 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF THE MICHIGAN
14 COMPILED LAWS, OR A MOTOR VEHICLE REPAIR FACILITY REGISTRATION OR
15 MECHANIC'S CERTIFICATE ISSUED BY THE SECRETARY OF STATE UNDER THE
16 MOTOR VEHICLE SERVICE AND REPAIR ACT, ACT NO. 300 OF THE PUBLIC
17 ACTS OF 1974, BEING SECTIONS 257.1301 TO 257.1340 OF THE MICHIGAN
18 COMPILED LAWS, THE PERSON CONVICTED SHALL SURRENDER TO THE COURT
19 THE LICENSE, REGISTRATION, OR CERTIFICATE ISSUED BY THE SECRETARY
20 OF STATE AND THE COURT SHALL IMMEDIATELY FORWARD THE LICENSE,
21 REGISTRATION, OR CERTIFICATE AND THE APPROPRIATE ABSTRACTS OF
22 CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE
23 ABSTRACTS OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE
24 DEALER LICENSE, MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR
25 MECHANIC'S CERTIFICATE OF THE PERSON CONVICTED OR OF THE ENTITY
26 OWNED IN WHOLE OR IN PART BY THE PERSON.

1 (B) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
 2 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S
 3 CERTIFICATE TO THE PERSON CONVICTED OR TO AN ENTITY OWNED IN
 4 WHOLE OR IN PART BY THE PERSON UNTIL THE EXPIRATION OF NOT LESS
 5 THAN 5 YEARS AFTER THE DATE OF THE LAST CONVICTION.

6 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS UNDER THIS
 7 SECTION, THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
 8 OR MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO THE PERSON CON-
 9 VICTED OR TO AN ENTITY OWNED IN WHOLE OR IN PART BY THE PERSON.

10 (5) A PERSON WHO VIOLATES THIS SECTION, UPON CONVICTION, IN
 11 ADDITION TO ANY OTHER PUNISHMENT, MAY BE ORDERED TO MAKE RESTITU-
 12 TION TO THE RIGHTFUL OWNER OF A STOLEN MOTOR VEHICLE OR OF A
 13 STOLEN MAJOR COMPONENT PART, OR TO THE OWNER'S INSURER IF THE
 14 OWNER HAS ALREADY BEEN COMPENSATED FOR THE LOSS BY THE INSURER,
 15 FOR ANY FINANCIAL LOSS SUSTAINED AS A RESULT OF THE THEFT OF THE
 16 MOTOR VEHICLE OR A MAJOR COMPONENT PART. RESTITUTION MAY BE
 17 IMPOSED IN ADDITION TO, BUT NOT INSTEAD OF, ANY IMPRISONMENT OR
 18 FINE IMPOSED.

19 Section 2. This amendatory act shall not take effect unless
 20 all of the following bills of the 86th Legislature are enacted
 21 into law:

22 (a) Senate Bill No. _____ or House Bill No. 4644 (request
 23 no. 01292'91 a).

24 (b) Senate Bill No. _____ or House Bill No. 4645 (request
 25 no. 01292'91 b).

26 (c) Senate Bill No. _____ or House Bill No. 4647 (request
 27 no. 01292'91 c).