

HOUSE BILL No. 4741

April 24, 1991, Introduced by Reps. Dobronski, Baade, DeMars, Weeks, Stallworth, Pitoniak, Wallace, Perry Bullard and Gubow and referred to the Committee on Transportation.

A bill to amend Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended, being sections 257.1 to 257.923 of the Michigan Compiled Laws, by adding section 254a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Act No. 300 of the Public Acts of 1949, as
2 amended, being sections 257.1 to 257.923 of the Michigan Compiled
3 Laws, is amended by adding section 254a to read as follows:

4 SEC. 254A. (1) THE SECRETARY OF STATE, IN CONSULTATION WITH
5 THE DEPARTMENT OF STATE POLICE, SHALL ESTABLISH A MOTOR VEHICLE
6 THEFT PREVENTION PROGRAM UNDER THIS SECTION AND DEVELOP INFORMED
7 CONSENT STATEMENT FORMS AND OFFICIAL DECALS FOR USE IN THE
8 PROGRAM. PARTICIPATION IN THE PROGRAM BY OWNERS AND
9 MUNICIPALITIES IS VOLUNTARY.

(2) THE PROGRAM SHALL OPERATE AS FOLLOWS:

(A) AN OWNER MAY SIGN AN INFORMED CONSENT STATEMENT IN THE PRESENCE OF A POLICE OFFICER IN A MUNICIPALITY PARTICIPATING IN THE PROGRAM. THE STATEMENT SHALL DESCRIBE THE PROGRAM AND INDICATE THAT THE OWNER'S MOTOR VEHICLE IS NOT NORMALLY OPERATED BETWEEN 1 A.M. AND 5 A.M. THE STATEMENT SHALL ALSO INDICATE THAT THE OWNER GIVES INFORMED CONSENT TO A POLICE OFFICER'S ACTIONS UNDER SUBDIVISION (C).

(B) AFTER THE OWNER SIGNS THE STATEMENT, THE POLICE OFFICER SHALL AFFIX AN OFFICIAL DECAL TO THE OWNER'S MOTOR VEHICLE IN A CONSPICUOUS PLACE PRESCRIBED BY THE SECRETARY OF STATE. THE POLICE OFFICER SHALL RECORD THE DECAL NUMBER AND INFORMATION REGARDING THE OWNER AND THE MOTOR VEHICLE. THE POLICE DEPARTMENT OF EACH PARTICIPATING MUNICIPALITY SHALL MAINTAIN THE RECORDS OF OFFICIAL DECALS ISSUED.

(C) IF A POLICE OFFICER SEES A MOTOR VEHICLE DISPLAYING AN OFFICIAL DECAL OPERATED ON A STREET OR HIGHWAY BETWEEN 1 A.M. AND 5 A.M., THE POLICE OFFICER MAY REQUEST THE DRIVER TO PRODUCE A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE AND REGISTRATION CERTIFICATE FOR THE MOTOR VEHICLE. IF THE DRIVER IS UNABLE TO PRODUCE A VALID LICENSE AND REGISTRATION CERTIFICATE, A REBUTTABLE PRESUMPTION EXISTS THAT THE DRIVER IS NOT THE OWNER AND DOES NOT HAVE THE OWNER'S AUTHORIZATION TO OPERATE THE MOTOR VEHICLE.

(3) THE SECRETARY OF STATE SHALL MAKE INFORMED CONSENT STATEMENT FORMS AVAILABLE AT LOCAL SECRETARY OF STATE OFFICES, STATE POLICE POSTS, AND THE POLICE DEPARTMENTS OF PARTICIPATING MUNICIPALITIES.

1 (4) THE RECORDS OF OFFICIAL DECALS MAINTAINED BY THE POLICE
2 DEPARTMENT OF A PARTICIPATING MUNICIPALITY ARE AVAILABLE TO THE
3 SECRETARY OF STATE, DEPARTMENT OF STATE POLICE, AND LAW ENFORCE-
4 MENT AGENCIES.