

SENATE BILL No. 818

March 24, 1992, Introduced by Senator BOUCHARD and referred to the Committee on Judiciary.

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 THE COMBAT AUTO
6 THEFT OR "C.A.T." MOTOR VEHICLE THEFT PREVENTION PROGRAM UNDER
7 THIS SECTION AND DEVELOP INFORMED CONSENT STATEMENT FORMS AND
8 OFFICIAL DECALS FOR USE IN THE PROGRAM. PARTICIPATION IN THE
9 PROGRAM BY OWNERS AND MUNICIPALITIES IS VOLUNTARY.

1 (2) THE PROGRAM SHALL OPERATE AS FOLLOWS:

2 (A) AN OWNER MAY SIGN AN INFORMED CONSENT STATEMENT IN THE
3 PRESENCE OF A POLICE OFFICER IN A MUNICIPALITY PARTICIPATING IN
4 THE PROGRAM. THE STATEMENT SHALL DESCRIBE THE PROGRAM AND INDI-
5 CATE THAT THE OWNER'S MOTOR VEHICLE IS NOT NORMALLY OPERATED
6 BETWEEN 2:30 A.M. AND 5 A.M. THE STATEMENT SHALL ALSO INDICATE
7 THAT THE OWNER GIVES INFORMED CONSENT TO A POLICE OFFICER'S
8 ACTIONS UNDER SUBDIVISION (C).

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

16 (C) IF A POLICE OFFICER SEES A MOTOR VEHICLE DISPLAYING AN
17 OFFICIAL DECAL OPERATED ON A STREET OR HIGHWAY BETWEEN
18 2:30 A.M. AND 5 A.M., THE POLICE OFFICER MAY REQUEST THE DRIVER
19 TO PRODUCE A VALID OPERATOR'S OR CHAUFFEUR'S LICENSE AND REGIS-
20 TRATION CERTIFICATE FOR THE MOTOR VEHICLE. IF THE DRIVER IS
21 UNABLE TO PRODUCE A VALID LICENSE AND REGISTRATION CERTIFICATE, A
22 REBUTTABLE PRESUMPTION EXISTS THAT THE DRIVER IS NOT THE OWNER
23 AND DOES NOT HAVE THE OWNER'S AUTHORIZATION TO OPERATE THE MOTOR
24 VEHICLE.

25 (3) THE SECRETARY OF STATE SHALL MAKE INFORMED CONSENT
26 STATEMENT FORMS AVAILABLE AT LOCAL SECRETARY OF STATE OFFICES,

1 STATE POLICE POSTS, AND THE POLICE DEPARTMENTS OF PARTICIPATING
2 MUNICIPALITIES.

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