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IMPOUNDING VEHICLES

House Bill 4619 as enrolled
Second Analysis (3-10-94)

Sponsor: Rep. Jessie Dalman
House Committee: Judiciary
Senate Committee: Judiciary

THE APPARENT PROBLEM:

The Michigan Vehicle Code requires a district court to impound the vehicle of someone caught driving while his or her license is suspended, revoked, or denied, providing the driver was at least part owner of the vehicle; the impoundment is to be for 30 to 120 days. The reason underlying the suspension may be relatively serious, such as violation of the drunk driving laws, or it may be relatively minor, such as failure to pay a traffic ticket or failure to appear in court.

Impounding a vehicle is a complicated process that presents costs of court time, police time, and towing and storage fees (towing and storage fees, however, are passed on to the offender, who must pay them before regaining the vehicle). Nonetheless, regardless of the severity of the underlying offense, the court is supposed to impound the vehicle for a minimum of one month, with accompanying costs of over \$200, according to one estimate. Moreover, the impoundment requirement assumes that police resources are adequate to implement impoundment orders. However, the numbers of vehicles subject to impoundment are high: the 46th District Court (in Southfield) has estimated 3,000 vehicles to be subject to impoundment in 1992. Meeting a strictly-enforced impoundment requirement could be problematic for many police agencies, draining scarce personnel from arguably more important duties.

To remedy this situation, it has been suggested that mandatory minimum periods of impoundment be eliminated.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to make the impounding of a vehicle at the option of the court, rather than mandatory, if the underlying license action was a suspension for failing to answer a citation or comply with a civil infraction order or judgment. Such discretionary

impoundments would be for a period of up to 120 days, with no minimum period being required.

In other situations where a person was driving with a suspended or revoked license, such as when the license had been suspended for a drunk driving offense, the vehicle code requires impoundment for 30 to 120 days. The bill would eliminate the 30-day minimum period, instead requiring the court to order impoundment for "not less than a period the court orders."

In addition, the bill would apply impoundment provisions to a car leased by the offender, as well as a car owned by the offender.

MCL 257.904b

FISCAL IMPLICATIONS:

With regard to an earlier version of the bill, the Senate Fiscal Agency noted that the bill would have no fiscal implications for the state. Local courts and police bear the burden of coordinating this program if they have the resources to implement the statute. Because of staff time involved for both the courts and police, many communities are not able to impound all of the vehicles subject to impoundment. There are no data available on the number of vehicles actually being impounded. Cost savings would occur only in communities where resources are used to implement the current statute. (12-2-94)

ARGUMENTS:

For:

While impounding a scofflaw's vehicle may be an effective way to induce that person to comply with motor vehicle laws, when the law mandates an administratively costly impoundment as a means of getting a \$50 traffic ticket paid, the cure may be worse than the disease. The bill would improve on

current law by making impoundment at the discretion of the court, rather than mandatory, for driving when one's license had been suspended or revoked for the relatively minor matter of failure to appear in court or pay a fine. The law would be further improved by eliminating the requirement that impoundment in other situations be for at least 30 days.