



House Office Building, 9 South  
Lansing, Michigan 48909  
Phone: 517/373-6466

## **LIMIT LEASED VEHICLE OWNER'S LIABILITY FOR PARKING VIOLATIONS**

**House Bill 5675**

**Sponsor: Rep. Andrew Raczkowski**

**Committee: Transportation**

**Complete to 4-26-00**

### **A SUMMARY OF HOUSE BILL 5675 AS INTRODUCED 4-25-00**

House Bill 5675 would amend the Michigan Vehicle Code to limit a leased vehicle owner's liability for certain parking violations.

Currently, in a prosecution for a violation of a local ordinance or state statute relating to the standing or parking of a vehicle that is leased, proof that the particular vehicle described in the citation, complaint, or warrant was used in the violation, together with proof that the defendant named was the lessee of the vehicle at the time of the violation, constitute in evidence a presumption that the lessee of the vehicle, and not the registered owner, was the person who parked or placed the vehicle when the violation occurred. The law also specifies that this provision does not apply to a violation which is a civil infraction.

House Bill 5675 would eliminate this presumption and instead specify that the lessee or renter of a motor vehicle and not the leased vehicle owner would be liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle involving the vehicle, if the leased vehicle owner could furnish sufficient proof that the vehicle described in the citation, complaint, or warrant was in the possession of, custody of, or was being operated or used by the lessee or renter of the vehicle at the time of the violation.

Under the bill, to avoid liability for a violation described in this section, the leased vehicle owner would be required to provide to the clerk of the court issuing the violation, not later than 90 days after the leased vehicle owner had received notice of the violation, a) the lessee's or renter's name, address, and operator's or chauffeur's license number, and b) a copy of the signed rental or lease agreement.

The bill specifies that a leased vehicle owner would be liable for a violation of a local ordinance or state statute relating to a standing or parked vehicle if both of the following occurred: a) the leased vehicle owner did not provide the information within the 90-day period specified, and b) the lessee or renter of the vehicle was not convicted of, or found responsible for, the violation.

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Generally, a vehicle's registered owner is liable for violations of local ordinances and state statutes prohibiting or restricting the stopping, standing, or parking of the vehicle when that violation is a civil infraction. Further and under the law, the registered owner of a vehicle who is found to be responsible for a civil infraction has the right to recover in a civil action against the person who incurred the violation with the owner's vehicle, damages in the amount of any civil fine or costs, or both. Under the law, the registered owner may provide in a written agreement that the person who operated the vehicle in violation of the ordinance or statute shall indemnify the registered owner for any civil fine and costs imposed upon the owner for the civil infraction. House Bill 5675 would extend these rights to leased vehicle owners, as well.

Finally, the bill would define "leased vehicle owner" to mean a person in the business of renting or leasing leased vehicles or an affiliate of the person, if the person or the affiliate is the registered owner of a standing or parked leased vehicle involved in a violation of a local ordinance or state statute. The bill also would define "affiliate" to mean a person that directly or indirectly through one or more intermediaries controls, is controlled by, or is under common control with another person.

MCL 257.675a, 257. 675b, and 257.675c

Analyst: J. Hunault

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