

Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536



BILL ANALYSIS

Telephone: (517) 373-5383
Fax: (517) 373-1986
TDD: (517) 373-0543

Senate Bill 1012 (as reported without amendment)
Sponsor: Senator Mat J. Dunaskiss
Committee: Transportation and Tourism

Date Completed: 3-6-00

RATIONALE

The Michigan Vehicle Code provides for the registration, titling, and general operation of motorcycles as well as the licensing of motorcycle operators. Apparently, during some instances when motorcyclists are stopped by police for alleged violations of the Code, the officers seize the motorcycle because they suspect it has been stolen. After it is determined that the motorcycle is the legal property of the cyclist, in some cases the owner reportedly has to wait months or years to have police return his or her motorcycle. Evidently, when the motorcycles finally are returned, they sometimes are damaged because of the manner in which they were transported and stored by the police. Some people believe that there should be standards for seizing a motorcycle and for transporting and storing the vehicle while it is in police custody.

CONTENT

The bill would amend the Michigan Vehicle Code to permit a police officer who found a motorcycle that did not have a visible vehicle identification number to seize the motorcycle to determine if it was stolen or otherwise in violation of law; provide for the detention, examination, and return of a motorcycle; establish monetary damages for unlawful detention of a motorcycle; and, permit a person to file a civil action in district court to enforce the bill.

A police officer who seized a motorcycle under the bill would have to do all of the following:

- Secure and transport the motorcycle in a manner and to a place that would protect it from damage.
- Determine, if possible, whether the motorcycle was stolen.
- Facilitate an examination of the motorcycle by a forensic laboratory specialist or other trained specialist to determine if the vehicle identification number could be restored or otherwise located, if necessary.

- Return the motorcycle to the person from whom it had been seized or to the lawful owner, within 30 calendar days after the date of the seizure, unless otherwise required by law.

A person who violated the bill would be liable for damages of \$10 for each day the seized motorcycle was unlawfully detained beyond 30 calendar days.

A person could enforce the bill by filing a civil action in the district court that had jurisdiction of the place where the motorcycle had been seized. The district court would have to conduct a hearing on the action within 10 days from the date of the filing in a manner prescribed in the Revised Judicature Act. A person who prevailed in the action would have to be awarded costs and actual attorney fees.

Proposed MCL 257.230a

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Some motorcyclists fear that their personal appearance and the type of vehicles they operate make them more likely to be stopped by police, who then seize their motorcycles under the suspicion that they are stolen. After a motorcycle has been seized, some owners claim it may take months or years before the issue is resolved and the motorcycle is returned to its owner. Once returned, however, the motorcycle may be damaged due to improper transportation and storage. The bill would establish conditions under which the police could seize a motorcycle, and would provide for the detention, storage, and return of a motorcycle that had been seized. In addition, the bill would set a limit on the length of time that a motorcycle could be held unlawfully, and would permit a person to file a civil

action in district court to have the bill enforced. Thus, motorcyclists would not have to fear police seizing their motorcycles without cause as well as detaining them for indefinite periods and holding them in conditions that could damage the motorcycles.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have minimal fiscal impact on State and local government.

Fiscal Analyst: B. Baker

A9900\sb1012a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.