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Senate Bill 1012 (as enrolled)
Sponsor: Senator Mat J. Dunaskiss
Senate Committee: Transportation and Tourism
House Committee: Transportation

PUBLIC ACT 408 of 2000

Date Completed: 1-29-01

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 a motorcyclist is stopped by police for allegedly violating 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 seized 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 amends the Michigan Vehicle Code to permit a police officer who finds a motorcycle that does not have a visible vehicle identification number to seize the motorcycle to determine if it is stolen or otherwise in violation of law; provide for the detention, examination, and return of a motorcycle; specify that a police agency is liable for damages for unlawful detention of a motorcycle; and, permit a person to file a civil action in district court to enforce the bill.

Specifically, under the bill, a police officer who seizes a motorcycle is required to do all of the following:

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

it was seized or to the lawful owner, within 30 calendar days after the date of the seizure, unless otherwise required by law.

The bill specifies that a police agency holding a motor vehicle unlawfully beyond the 30 calendar days is liable for damages.

A person may enforce the bill by filing a civil action in the district court that has jurisdiction of the place where the motorcycle was seized. The district court must 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 prevails in the action must be awarded costs and actual attorney fees.

(The bill defines "person" as an individual, partnership, corporation, association, governmental entity, or other legal entity.)

The bill will take effect March 28, 2001.

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 establishes conditions under which the police may seize a motorcycle, and provides for the detention, storage, and return of a motorcycle that was seized. In

addition, the bill sets a limit on the length of time that a motorcycle may be held lawfully, and permits a person to file a civil action in district court to have the bill enforced. Thus, motorcyclists will not have to fear that the police will seize their motorcycles without cause, detain them for indefinite periods, or hold them in conditions that may damage the motorcycles.

Legislative Analyst: L. Arasim

FISCAL IMPACT

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

Fiscal Analyst: B. Baker

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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.