

# SENATE BILL No. 1012

February 15, 2000, Introduced by Senator DUNASKISS and referred to the Committee on Transportation and Tourism.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," (MCL 257.1 to 257.923) by amending the title and by adding section 230a.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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TITLE

2 An act to provide for the registration, titling, sale,  
3 transfer, and regulation of certain vehicles operated upon the  
4 public highways of this state or any other place open to the gen-  
5 eral public or generally accessible to motor vehicles and dis-  
6 tressed vehicles; to provide for the licensing of dealers; to  
7 provide for the examination, licensing, and control of operators  
8 and chauffeurs; to provide for the giving of proof of financial  
9 responsibility and security by owners and operators of vehicles;  
10 to provide for the imposition, levy, and collection of specific

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1 taxes on vehicles, and the levy and collection of sales and use  
2 taxes, license fees, and permit fees; to provide for the regula-  
3 tion and use of streets and highways; to create certain funds; to  
4 provide penalties and sanctions for a violation of this act; to  
5 provide for civil liability of owners and operators of vehicles  
6 and service of process on residents and nonresidents; to provide  
7 for the levy of certain assessments; to provide for the enforce-  
8 ment of this act; to provide for the creation of and to prescribe  
9 the powers and duties of certain state and local agencies; TO  
10 IMPOSE LIABILITY UPON THE STATE OR LOCAL AGENCIES; to repeal all  
11 other acts or parts of acts inconsistent with this act or con-  
12 trary to this act; and to repeal certain parts of this act on a  
13 specific date.

14       SEC. 230A. (1) A POLICE OFFICER WHO FINDS A MOTORCYCLE THAT  
15 DOES NOT HAVE A VISIBLE VEHICLE IDENTIFICATION NUMBER MAY SEIZE  
16 THE MOTORCYCLE TO DETERMINE IF THE MOTORCYCLE IS STOLEN OR OTHER-  
17 WISE IN VIOLATION OF LAW.

18       (2) A POLICE OFFICER WHO SEIZES A MOTORCYCLE UNDER SUBSEC-  
19 TION (1) SHALL DO ALL OF THE FOLLOWING:

20       (A) SECURE AND TRANSPORT THE MOTORCYCLE IN A MANNER AND TO A  
21 PLACE THAT WILL PROTECT IT FROM DAMAGE.

22       (B) DETERMINE, IF POSSIBLE, WHETHER OR NOT THE MOTORCYCLE IS  
23 STOLEN.

24       (C) IF NECESSARY, FACILITATE AN EXAMINATION OF THE MOTORCY-  
25 CLE BY A FORENSIC LABORATORY SPECIALIST OR OTHER TRAINED SPECIAL-  
26 IST TO DETERMINE IF THE VEHICLE IDENTIFICATION NUMBER CAN BE  
27 RESTORED OR OTHERWISE LOCATED.

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1 (D) UNLESS OTHERWISE REQUIRED BY LAW, RETURN THE MOTORCYCLE  
2 TO THE PERSON FROM WHOM IT WAS SEIZED OR TO THE LAWFUL OWNER,  
3 WITHIN 30 CALENDAR DAYS AFTER THE DATE OF THE SEIZURE.

4 (3) A PERSON WHO VIOLATES THIS SECTION IS LIABLE FOR DAMAGES  
5 OF \$10.00 FOR EACH DAY THE SEIZED MOTORCYCLE IS UNLAWFULLY  
6 DETAINED BEYOND 30 CALENDAR DAYS.

7 (4) A PERSON MAY ENFORCE THE PROVISIONS OF THIS SECTION BY  
8 FILING A CIVIL ACTION IN THE DISTRICT COURT THAT HAS JURISDICTION  
9 OF THE PLACE WHERE THE MOTORCYCLE WAS SEIZED. THE DISTRICT COURT  
10 SHALL CONDUCT A HEARING ON THE ACTION WITHIN 10 DAYS FROM THE  
11 DATE OF THE FILING IN A MANNER PRESCRIBED IN THE REVISED JUDICA-  
12 TURE ACT OF 1961, 1961 PA 236, MCL 600.101 TO 600.9948.

13 (5) A PERSON WHO PREVAILS IN AN ACTION AUTHORIZED UNDER SUB-  
14 SECTION (4) SHALL BE AWARDED COSTS AND ACTUAL ATTORNEY FEES.

(6) AS USED IN THIS SECTION, "PERSON" MEANS AN INDIVIDUAL,  
PARTNERSHIP, CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY, OR OTHER  
LEGAL ENTITY.