



HOUSE BILL No. 5675

April 25, 2000, Introduced by Reps. Raczkowski, Bovin, DeRossett, Sanborn, Bishop, Caul, Vear, Van Woerkom and Gosselin and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 675a, 675b, and 675c (MCL 257.675a,
257.675b, and 257.675c), sections 675a and 675b as amended and
section 675c as added by 1980 PA 518.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 675a. (1) Except as provided in section 675b involving
2 leased vehicles, in a prosecution for ~~the~~ A violation of a
3 local ordinance or state statute relating to ~~the~~ A standing or
4 ~~parking of a~~ PARKED vehicle, proof that the particular vehicle
5 described in the complaint was parked in violation of the ordi-
6 nance or state statute, together with proof ~~, by verifying~~
7 ~~ownership of the vehicle with~~ FROM the secretary of state ~~,~~
8 that the defendant named in the complaint was at the time of the
9 violation the VEHICLE'S registered owner, ~~of the vehicle,~~

1 creates in evidence a presumption that the VEHICLE'S registered
2 owner ~~of the vehicle~~ was the person who parked or placed the
3 vehicle at the point where ~~—~~, and ~~for~~ AT the time ~~during~~
4 ~~which,~~ THAT the violation occurred.

5 (2) This section does not apply to a violation ~~which~~ THAT
6 is a civil infraction.

7 Sec. 675b. (1) ~~In a prosecution~~ THE LESSEE OR RENTER OF A
8 MOTOR VEHICLE AND NOT THE LEASED VEHICLE OWNER IS LIABLE for a
9 violation of ~~section 675a~~ A LOCAL ORDINANCE OR STATE STATUTE
10 RELATING TO A STANDING OR PARKED VEHICLE involving ~~a leased~~ THE
11 motor vehicle ~~—~~, IF THE LEASED VEHICLE OWNER CAN FURNISH
12 SUFFICIENT proof that the ~~particular~~ vehicle described in the
13 citation, complaint, or warrant was ~~used in the violation,~~
14 ~~together with proof that the defendant named in the citation,~~
15 ~~complaint, or warrant was~~ IN THE POSSESSION OF, CUSTODY OF, OR
16 WAS BEING OPERATED OR USED BY the lessee OR RENTER of the vehicle
17 at the time of the violation. ~~—, constitutes in evidence a pre-~~
18 ~~sumption that the lessee of the vehicle, not the registered~~
19 ~~owner, was the person who parked or placed the vehicle at the~~
20 ~~point, and for the time during which, the violation occurred.~~

21 (2) ~~This section does not apply to a violation which is a~~
22 ~~civil infraction.~~ TO AVOID LIABILITY FOR A VIOLATION DESCRIBED
23 IN SUBSECTION (1), THE LEASED VEHICLE OWNER SHALL PROVIDE THE
24 FOLLOWING TO THE CLERK OF THE COURT ISSUING THE VIOLATION NOT
25 LATER THAN 90 DAYS AFTER THE LEASED VEHICLE OWNER HAS RECEIVED
26 NOTICE OF THE VIOLATION:

1 (A) THE LESSEE'S OR RENTER'S NAME, ADDRESS, AND OPERATOR'S
2 OR CHAUFFEUR'S LICENSE NUMBER.

3 (B) A COPY OF THE SIGNED RENTAL OR LEASE AGREEMENT.

4 (3) A LEASED VEHICLE OWNER IS LIABLE FOR A VIOLATION OF A
5 LOCAL ORDINANCE OR STATE STATUTE RELATING TO A STANDING OR PARKED
6 VEHICLE IF BOTH OF THE FOLLOWING OCCUR:

7 (A) THE LEASED VEHICLE OWNER DOES NOT PROVIDE THE INFORMA-
8 TION IN SUBSECTION (2) WITHIN THE 90-DAY PERIOD SPECIFIED IN THAT
9 SUBSECTION.

10 (B) THE LESSEE OR RENTER OF THE VEHICLE IS NOT CONVICTED OF
11 OR FOUND RESPONSIBLE FOR THE VIOLATION.

12 (4) AS USED IN THIS SECTION:

13 (A) "AFFILIATE" MEANS A PERSON THAT DIRECTLY OR INDIRECTLY
14 THROUGH 1 OR MORE INTERMEDIARIES CONTROLS, IS CONTROLLED BY, OR
15 IS UNDER COMMON CONTROL WITH ANOTHER PERSON.

16 (B) "LEASED VEHICLE OWNER" MEANS A PERSON IN THE BUSINESS OF
17 RENTING OR LEASING LEASED VEHICLES OR AN AFFILIATE OF THE PERSON,
18 IF THE PERSON OR THE AFFILIATE IS THE REGISTERED OWNER OF A
19 STANDING OR PARKED LEASED VEHICLE INVOLVED IN A VIOLATION OF A
20 LOCAL ORDINANCE OR STATE STATUTE.

21 Sec. 675c. (1) ~~If~~ EXCEPT AS PROVIDED IN SECTION 675B, IF
22 a vehicle is stopped, standing, or parked in violation of
23 ~~sections~~ SECTION 672, 674, 674a, 675, OR 676, or other state
24 statute, or a local ordinance prohibiting or restricting the
25 stopping, standing, or parking of a vehicle and the violation is
26 a civil infraction, the person in whose name that vehicle is
27 registered in this state or another state at the time of the

1 violation is prima facie responsible for that violation and
2 subject to section 907.

3 (2) The owner of a vehicle cited for a stopping, standing,
4 or parking violation pursuant to subsection (1) may assert as an
5 affirmative defense that the vehicle in question, at the time of
6 the violation, was in the possession of a person whom the owner
7 had not knowingly permitted to operate the vehicle.

8 (3) The registered owner of a vehicle who is found to be
9 responsible for a civil infraction as the result of subsection
10 (1) OR A LEASED VEHICLE OWNER THAT IS FOUND TO BE RESPONSIBLE FOR
11 A CIVIL INFRACTION DESCRIBED IN SECTION 675B has the right to
12 recover in a civil action against the person who parked, stopped,
13 or left standing the vehicle in question damages in the amount of
14 any civil fine or costs, or both, imposed pursuant to section
15 907. The registered owner of a vehicle OR THE LEASED VEHICLE
16 OWNER may provide in a written agreement that the person who
17 parked, stopped, or left standing the vehicle in violation of a
18 state statute or local ordinance, when the violation is a civil
19 infraction, shall indemnify the registered owner OR LEASED VEHI-
20 CLE OWNER for any civil fine and costs imposed upon the regis-
21 tered owner for that civil infraction.

22 (4) A police officer who issues a citation for a vehicle
23 that is stopped, standing, or parked in violation of a state
24 statute or a local ordinance prohibiting or restricting the stop-
25 ping, standing, or parking of a vehicle may issue the citation
26 for the violation to the operator of the vehicle if the operator
27 is present at the time of the violation.