

# 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

An act to provide for the registration, titling, sale, transfer, and regulation of certain vehicles operated upon the public highways of this state or any other place open to the general public or generally accessible to motor vehicles and distressed vehicles; to provide for the licensing of dealers; to provide for the examination, licensing, and control of operators and chauffeurs; to provide for the giving of proof of financial responsibility and security by owners and operators of vehicles; to provide for the imposition, levy, and collection of specific

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.

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.