

Act No. 408
Public Acts of 2000
Approved by the Governor
January 5, 2001
Filed with the Secretary of State
January 8, 2001
EFFECTIVE DATE: March 28, 2001

**STATE OF MICHIGAN
90TH LEGISLATURE
REGULAR SESSION OF 2000**

Introduced by Senator Dunaskiss

ENROLLED SENATE BILL No. 1012

AN ACT to amend 1949 PA 300, entitled "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 taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds and grant programs; to provide for the appropriation of money for certain grant programs; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date," (MCL 257.1 to 257.923) by amending the title and by adding section 230a.

The People of the State of Michigan enact:

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 taxes on vehicles, and the levy and collection of sales and use taxes, license fees, and permit fees; to provide for the regulation and use of streets and highways; to create certain funds; to provide penalties and sanctions for a violation of this act; to provide for civil liability of owners and operators of vehicles and service of process on residents and nonresidents; to provide for the levy of certain assessments; to provide for the enforcement of this act; to provide for the creation of and to prescribe the powers and duties of certain state and local agencies; to impose liability upon the state or local agencies; to repeal all other acts or parts of acts inconsistent with this act or contrary to this act; and to repeal certain parts of this act on a specific date.

Sec. 230A. (1) A police officer who finds a motorcycle that does not have a visible vehicle identification number may seize the motorcycle to determine if the motorcycle is stolen or otherwise in violation of law.

(2) A police officer who seizes a motorcycle under subsection (1) shall do all of the following:

- (a) Secure and transport the motorcycle in a manner and to a place that will protect it from damage.
- (b) Determine, if possible, whether or not the motorcycle is stolen.
- (c) If necessary, 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.
- (d) Unless otherwise required by law, 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.
- (3) A police agency holding a motor vehicle unlawfully beyond the 30 calendar days prescribed in subsection (2) is liable for damages.
- (4) A person may enforce the provisions of this section by filing a civil action in the district court that has jurisdiction of the place where the motorcycle was seized. The district court shall conduct a hearing on the action within 10 days from the date of the filing in a manner prescribed in the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9948.
- (5) A person who prevails in an action authorized under subsection (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.

Carol Morey Viventi

Secretary of the Senate.

Jay E. Randall

Clerk of the House of Representatives.

Approved

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Governor.