



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 915 (as introduced 4-29-14)
Sponsor: Senator Tom Casperson
Committee: Transportation

(Senate-passed version)

Date Completed: 5-13-14

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Prohibit fraudulently indicating on a certificate of title that there was not a security interest in a vehicle or forging a letter from a security interest holder stating that the security interest had been released.**
- **Require a person convicted of either offense to pay restitution to the holder of a security interest in the vehicle in the amount of the outstanding lien.**

Section 257 of the Code provides that a person who commits any of the following acts is guilty of a felony:

- Altering a certificate of title, registration certificate, or registration plate with fraudulent intent.
- Forging or counterfeiting any of those documents purporting to have been issued by the Department of State.
- Altering or falsifying with fraudulent intent, or forging, an assignment upon a certificate of title.
- Holding or using a certificate of title, registration certificate, or registration plate knowing that it has been altered, forged or falsified.
- Knowingly possessing, selling, or offering for sale a stolen, false, or counterfeit certificate of title, or a registration certificate, plate, decal, or tab.

The bill also would make it a felony to fraudulently indicate on a certificate of title that there was not a security interest on record for a vehicle, or to forge or counterfeit a letter from the holder of a security interest in a vehicle stating that the security interest had been released.

Unless another penalty is specified, a person who commits a violation of the Code that is designated a felony is subject to imprisonment for not less than one year or more than five years, a fine of not less than \$500 or more than \$5,000, or both.

A person who is convicted of a second violation of Section 257 must be punished by imprisonment for at least two years and not more than seven years, or a fine of not less than \$1,500 and not more than \$7,000, or both. For a third or subsequent offense, the sentence is imprisonment for not less than five years or more than 15 years, or a fine of not less than \$5,000 or more than \$15,000, or both.

Under the bill, in addition to these penalties, a person who violated either of the proposed prohibitions would be required to pay restitution to the holder of the security interest in the vehicle in the amount of the outstanding lien on the vehicle.

MCL 257.257

Legislative Analyst: Jeff Mann

FISCAL IMPACT

The bill could bring about more felony convictions for the proposed offenses. The cost to State government is approximately \$35,000 per prisoner per year. The fiscal cost to local government would be in any additional resources required by the court and jail systems. Additional fine revenue would benefit public libraries.

Fiscal Analyst: John Maxwell

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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.