



Senate Fiscal Agency
P.O. Box 30036
Lansing, Michigan 48909-7536



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 6 (as introduced 1-15-19)
Sponsor: Senator Peter J. Lucido
Committee: Transportation and Infrastructure

Date Completed: 1-13-20

CONTENT

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

- **Require a peace officer who determined that a person was operating a motor vehicle without a valid driver license to confiscate the motor vehicle's registration plate and notify the Secretary of State (SOS) through the Law Enforcement Information Network (LEIN) of the confiscation.**
- **Require a confiscated license plate to be held for 10 days after the confiscation, and unless the owner provided proof of insurance within the 10-day period, require the plate to be destroyed.**
- **Require a peace officer who destroyed the plate to notify the SOS that the plate was destroyed.**
- **Require the SOS, after receiving a notification that a plate was destroyed, to cancel the registration plate.**

The bill would take effect 90 days after its enactment.

Registration Plate Confiscation

Under the Code, a person whose driver license or registration certificate has been suspended or revoked, whose application for license has been denied, or who has never applied for a license, may not operate a motor vehicle upon a highway or other place open to the general public or generally accessible to motor vehicles, including an area designated for the parking of motor vehicles, within the State.

The Code also specifies that a person who is not exempt from the license requirements under the Code, who operates a motor vehicle upon the highways of the State, and who is unable to show that he or she has been issued a license to operate a motor vehicle by any state or foreign country valid within the preceding three years is guilty of a misdemeanor. The bill specifies that a person as described above who, upon request of a peace officer, was unable to produce evidence that he or she had been issued a license to operate a motor vehicle by any state or foreign country valid within the preceding three years would be guilty of a misdemeanor. (A person who violates this prohibition must be punished by up to 90 days or a fine of at least \$50 but no more than \$100, or both. A person convicted of a second violation must be punished by imprisonment for at least two but not more than 90, days or by a fine of \$100, or both. The bill specifies that the former punishment would be for a first violation, and the latter punishment would be for a second or subsequent violation.)

Under the bill, a peace officer who determined that a person was operating a motor vehicle in violation of the above provisions and that the person was the owner of the motor vehicle would have to confiscate immediately the vehicle's registration plate and notify the SOS of the confiscation through the LEIN in a form prescribed by the SOS. A registration plate would have to be held for a period of 10 days after the confiscation and, unless the owner of the motor vehicle provided proof within the 10-day period that the motor vehicle was insured under Chapter 31 (Motor Vehicle Personal and Property Protection) of the Insurance Code, the plate would have to be destroyed.

A peace officer who destroyed a registration plate would have to notify the SOS through the LEIN in a form prescribed by the SOS that the registration plate was destroyed. If the SOS were notified that a registration plate was destroyed, it would have to cancel the registration plate of the motor vehicle. The owner of a motor vehicle for which the registration plate was canceled, and who sought to register his or her motor vehicle, would have to obtain a new registration plate for the motor vehicle from the SOS.

MCL 257.904 & 257.904a

Legislative Analyst: Tyler VanHuyse

FISCAL IMPACT

The bill would have a minimal fiscal impact on State and local police agencies and the Secretary of State. Any additional costs should be minimal and could be absorbed within annual appropriations.

Fiscal Analyst: Bruce Baker
Joe Carrasco

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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.