

THE MICHIGAN PENAL CODE (EXCERPT)

Act 328 of 1931

CHAPTER LXI

MOTOR VEHICLES

750.412 Definition.

Sec. 412. Definition—The term "motor vehicle" as used in this chapter shall include all vehicles impelled on the public highways of this state by mechanical power, except traction engines, road rollers and such vehicles as run only upon rails or tracks.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.412.

750.413 Motor vehicle; taking possession and driving away.

Sec. 413. Taking possession of and driving away a motor vehicle—Any person who shall, wilfully and without authority, take possession of and drive or take away, and any person who shall assist in or be a party to such taking possession, driving or taking away of any motor vehicle, belonging to another, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.413.

Former law: See section 1 of Act 44 of 1907, being CL 1915, § 15430; CL 1929, § 16969; Act 220 of 1917; Act 313 of 1919; and Act 50 of 1927.

750.414 Motor vehicle; use without authority but without intent to steal.

Sec. 414. Any person who takes or uses without authority any motor vehicle without intent to steal the same, or who is a party to such unauthorized taking or using, is guilty of a misdemeanor punishable by imprisonment for not more than 2 years or a fine of not more than \$1,500.00. However, in case of a first offense, the court may reduce the punishment to imprisonment for not more than 3 months or a fine of not more than \$500.00. However, this section does not apply to any person or persons employed by the owner of said motor vehicle or anyone else, who, by the nature of his or her employment, has the charge of or the authority to drive said motor vehicle if said motor vehicle is driven or used without the owner's knowledge or consent.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.414;—Am. 2002, Act 672, Eff. Mar. 31, 2003.

Former law: See section 1 of Act 33 of 1909, being CL 1915, § 15431; and CL 1929, § 16970.

750.414a Unlawful possession of motor vehicle master key; definition; exceptions; penalty.

Sec. 414a. (a) Except as provided in subsection (c) of this section, no person shall have a motor vehicle master key in his possession.

(b) As used in this section, "motor vehicle master key" means a key which is designed to open locks on more than one motor vehicle but excludes keys supplied with the motor vehicle by the manufacturer or dealer or the exact duplicate of such keys, and excludes keys supplied with replacement locks or the exact duplicate of such keys.

(c) The provisions of subsection (a) shall not apply to the following:

(1) Keys in the possession of garage mechanics, parking lot attendants or others engaged in the business of repairing or storing motor vehicles.

(2) Keys in the possession of law enforcement officers.

(3) Keys in the possession of locksmiths, key makers or other persons engaged in the business of making, altering, duplicating or repairing locks or keys.

(d) Violation of the provisions of this section shall be a misdemeanor.

History: Add. 1966, Act 272, Eff. Mar. 10, 1967.

750.415 Concealing or misrepresenting identity of motor vehicle or mechanical device as misdemeanor or felony; evidence of violation; confiscation; sale at public auction; revocation of dealer's license; vehicle identification plate and applicable labels; motor vehicle or part with identification number removed.

Sec. 415. (1) A person who, without the intent to mislead another as to the identity of the vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is

guilty of a misdemeanor.

(2) A person who, with the intent to mislead another as to the identity of a vehicle, conceals or misrepresents the identity of a motor vehicle or of a mechanical device by removing or defacing the manufacturer's serial number or the engine or motor number on the motor vehicle, or by replacing a part of the motor vehicle or mechanical device bearing the serial number or engine or motor number of the vehicle with a new part upon which the proper serial number or engine or motor number has not been stamped, is guilty of a felony, and if the person is a licensed dealer, the dealer's license shall be revoked.

(3) In all prosecutions under this section, possession by a person of a motor vehicle or of a mechanical device with the manufacturer's serial number or the engine or motor number removed, defaced, destroyed or altered or with a part bearing the number or numbers replaced by one on which the proper number does not appear, shall be prima facie evidence of violation of this section.

(4) If the identification of a motor vehicle or a mechanical device has been removed, defaced, or altered as provided in this section and the real identity of the motor vehicle or mechanical device cannot be determined, the motor vehicle or mechanical device shall be subject to confiscation by the state and shall be sold at public auction, put to official use by the government agency seizing the vehicle, or rendered scrap. If the items are confiscated from a licensed vehicle dealer, the dealer's license shall be revoked.

(5) A person shall not knowingly possess, buy, deliver, or offer to buy, sell, exchange, or give away any manufacturer's vehicle identification number plate, federal safety certification label, antitheft label, posident die stamps, secretary of state vehicle identification label, rosette rivet, or any facsimile thereof. This subsection does not apply to a motor vehicle manufacturer, a motor vehicle parts supplier under contract with a motor vehicle manufacturer, or a law enforcement officer in the official performance of his or her duties or to a motor vehicle in which a manufacturer's vehicle identification plate and each of the applicable labels listed in this subsection have been installed as prescribed by law. A person who violates this subsection is guilty of a felony, punishable by imprisonment for not more than 4 years, a fine of not more than \$10,000.00, or both. If the person who violates this subsection is a licensed dealer or repair facility, its license shall be revoked.

(6) A person shall not buy, receive, or obtain control of a motor vehicle or motor vehicle part with the intent to sell or otherwise dispose of the motor vehicle or motor vehicle part knowing that an identification number of that motor vehicle or motor vehicle part has been removed, obliterated, tampered with, or altered. This subsection does not apply to a motor vehicle obtained from or at the direction of a law enforcement agency. A person who violates this subsection is guilty of a felony punishable by imprisonment for not more than 10 years, a fine of not more than \$20,000.00, or both.

(7) As used in this section:

(a) "Antitheft label" means a label containing the vehicle identification number affixed to a motor vehicle by the manufacturer in accordance with subtitle VI of title 49 of the United States Code, 49 U.S.C. 30101 to 33118.

(b) "Federal safety certification label" means a label affixed to a motor vehicle that certifies that the motor vehicle conforms to current safety standards at the time of production and displays the vehicle identification number.

(c) "Motor vehicle" means a device in, upon, or by which a person or property is or may be transported or drawn upon a street, highway, or waterway, whether subject to or exempt from registration, except a device exclusively moved by human power or used exclusively upon stationary rails or tracks.

(d) "Posident die stamps" means specially designed die stamps used by motor vehicle manufacturers to produce unique letters and numbers when stamping vehicle identification numbers upon vehicle identification plates, tags, and parts affixed to a motor vehicle.

(e) "Rosette rivet" means a special rivet designed to prevent removal or tampering with a vehicle identification number plate affixed by the manufacturer to a motor vehicle and that, when used to affix a vehicle identification number plate, forms 5 or 6 petals at the rivet head.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.415;—Am. 1978, Act 494, Eff. Dec. 13, 1978;—Am. 2000, Act 217, Eff. Oct. 1, 2000.

Former law: See sections 1 to 3 of Act 182 of 1917, being CL 1929, §§ 16972 to 16974; Act 115 of 1919; and Act 129 of 1929.

750.416 Motor vehicle; damaging, tampering or meddling with.

Sec. 416. Damaging or unauthorized tampering or meddling with motor vehicle—Any person shall be guilty of a misdemeanor, who shall:

Intentionally and without authority from the owner, start or cause to be started the motor of any motor vehicle, or maliciously shift or change the starting device or gears of a standing motor vehicle to a position other than that in which it was left by the owner or driver of said motor vehicle; or

Intentionally cut, mark, scratch or damage the chassis, running gear, body, sides, top, covering or upholstering of any motor vehicle, the property of another, or intentionally cut, mash, mark, destroy or damage such motor vehicle, or any of the accessories, equipment, appurtenances or attachments thereof, or any spare or extra parts thereon being or thereto attached, without the permission of the owner thereof; or

Intentionally release the brake upon any standing motor vehicle, with intent to injure said machine or cause the same to be removed without the consent of the owner: Provided, That this section shall not apply in case of moving or starting of motor vehicles by the police under authority of local ordinance or by members of fire departments in case of emergency in the vicinity of a fire.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.416.

Former law: See section 1 of Act 219 of 1917, being CL 1929, § 16971.

750.417 Motor vehicle; removal out of state, consent of mortgagee.

Sec. 417. Removal of and remaining out of state of motor vehicle, under mortgage, without consent of mortgagee—Any person who shall have made or executed any mortgage or instrument in writing intended to operate as a mortgage of any motor vehicle and who shall remove such motor vehicle so mortgaged from the state, without fully paying and satisfying said mortgage, and who shall cause or permit the motor vehicle so mortgaged and removed from the state, to remain outside of the state for a period of 30 days or more, without the consent of mortgagee named in said mortgage, shall be guilty of a felony.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.417.

Former law: See section 1 of Act 233 of 1925, being CL 1929, § 16975.

750.417a Vehicle, watercraft, or aircraft subject to conditional sales contract, security agreement, or lease contract; written consent required for lease or sublease; violation as misdemeanor; court action; construction of section.

Sec. 417a. (1) A person other than the buyer shall not assist, cause, arrange, or induce the buyer of a vehicle, watercraft, or aircraft that is subject to a conditional sales contract or security agreement to lease or sublease the vehicle, watercraft, or aircraft to another person without first obtaining written consent to the lease or sublease from the holder of the security agreement.

(2) A person other than a party to the lease shall not assist, cause, arrange, or induce the lessee of a vehicle, watercraft, or aircraft that is subject to a lease contract to sublease the vehicle, watercraft, or aircraft to another person without first obtaining written consent to the sublease from the lessor under the lease contract.

(3) A person who violates this section is guilty of a misdemeanor, punishable by imprisonment for not more than 1 year, or by a fine of not more than \$10,000.00, or both.

(4) A person who suffers a loss as a result of a violation of this section may bring an action in a court of competent jurisdiction to recover 1 or more of the following:

(a) An injunction or restraining order enjoining a person from engaging in a method, act, or practice which is a violation of this section.

(b) Any other equitable relief.

(5) This section shall not be construed to limit the rights or duties a person may have under any other law.

History: Add. 1994, Act 140, Eff. Mar. 30, 1995.

750.418 Motor vehicle; removal out of state, consent of vendor.

Sec. 418. Removal of and remaining out of state of motor vehicle, under a conditional sales contract, without consent of vendor—Any person who shall have acquired possession of a motor vehicle under a conditional sales contract or under a property note, in which said conditional sales contract or property note the title is reserved in the vendor, and who shall remove such motor vehicle so acquired from the state without fully paying for said motor vehicle, and who shall cause or permit said motor vehicle so acquired and removed from the said state, to remain out of the state for a period of 30 days or more, without the consent of the vendor named in said conditional sales contract or property note, shall be guilty of a felony.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.418.

Former law: See section 2 of Act 233 of 1925, being CL 1929, § 16976.

750.419 Operating or riding motorcycle; moped, or other motor vehicle on bicycle path or sidewalk; misdemeanor; exception.

Sec. 419. A person who operates or rides a motorcycle, moped, or other motor vehicle, excepting motorized wheelchairs upon a bicycle path or a sidewalk regularly laid out and constructed for the use of pedestrians, not including a crosswalk or driveway, is guilty of a misdemeanor.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.419;—Am. 1975, Act 281, Imd. Eff. Nov. 26, 1975;—Am. 1978, Act 56, Eff. Mar. 30, 1979.

Former law: See sections 1 and 2 of Act 38 of 1917, being CL 1929, §§ 4221 and 4222.

750.420 Motor vehicle; equipment with smoke or gas producing devices.

Sec. 420. Motor vehicles equipped with smoke or gas producing devices—Any person who shall own, operate or have in his possession any motor vehicle equipped with a device for producing excessive smoke or gas, or so equipped as to permit oil or any other chemical to flow into or upon the exhaust pipe or muffler of such vehicle or in any other way to produce or emit smoke or dangerous or annoying gases from any portion of such vehicle other than the ordinary gases emitted by the exhaust of an internal combustion engine under normal operation, shall be guilty of a felony.

History: 1931, Act 328, Eff. Sept. 18, 1931;—CL 1948, 750.420.

Former law: See section 1 of Act 58 of 1929, being CL 1929, § 4778.

750.421 Repealed. 2020, Act 57, Eff. June 8, 2020.

Compiler's note: The repealed section pertained to the use of motor vehicles or trailers designed for the use or purpose of defense or attack.

750.421a Motor vehicle; assignment of title upon trade-in.

Sec. 421a. Whenever a licensed motor vehicle dealer, his agent or representative, shall give a credit allowance to the owner of a motor vehicle as consideration or part consideration of the purchase price of another motor vehicle sold by said dealer, he shall demand from such owner, and such owner shall furnish to such dealer, a properly assigned certificate of title thereof in the dealer's name. Any licensed motor vehicle dealer, his agent or representative, or the owner of such motor vehicle, who shall assign, or shall permit, aid, counsel or assist in any way in assigning the certificate of title of said motor vehicle to a person other than such dealer, shall be guilty of a misdemeanor.

The term "licensed motor vehicle dealer" as used in this section shall be construed to mean a dealer licensed under the provisions of section 14 of Act No. 46 of the Public Acts of 1921, being section 4671 of the Compiled Laws of 1929, as amended.

History: Add. 1939, Act 345, Imd. Eff. July 5, 1939;—CL 1948, 750.421a.

Compiler's note: Section 14 of Act 46 of 1921, referred to in this section, is MCL 256.114, which was repealed by Act 300 of 1949.

750.421b Motor vehicle; transporting farm or commercial products, hindering.

Sec. 421b. Any person who shall, without lawful authority, by force, stop or hinder the operation of any vehicle transporting farm or commercial products within this state, or the loading or unloading of such vehicle, with the intent to prevent, hinder or delay transportation, loading or unloading of such products, upon conviction thereof, shall be guilty of an offense punishable by imprisonment in the county or municipal jail for not more than 90 days or by a fine of not more than \$100.00, or by both such fine and imprisonment, and upon a second or subsequent offense shall be punished by imprisonment in the state prison for not more than 2 years or by a fine of not more than \$1,000.00, or by both such fine and imprisonment. This section shall not apply to railroads.

History: Add. 1943, Act 24, Eff. July 30, 1943;—CL 1948, 750.421b.

750.421c Sale of motor vehicle to unemancipated minor prohibited without consent of parent or guardian; retention of form; penalty.

Sec. 421c. No person shall knowingly sell a motor vehicle to an unemancipated minor under age 18 without the written consent of 1 of the minor's parents or his guardian on a form approved by the secretary of state. No person shall present a false document purporting to be the written consent hereunder. The seller under this section shall retain the required form for a period of 3 years from the date of sale. Any violation of this section constitutes a misdemeanor.

History: Add. 1966, Act 164, Eff. Mar. 10, 1967.

750.421d Importing, manufacturing, selling, distributing, installing, or reinstalling counterfeit supplemental restraint system or nonfunctional airbag; penalties; applicability of section; definitions.

Sec. 421d. (1) A person shall not do any of the following:

(a) Knowingly and intentionally import, manufacture, sell, offer for sale, distribute, install, or reinstall in a motor vehicle a device intended to replace a supplemental restraint system component if the device is a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that the person

knows was not designed to comply with 49 CFR 571.208 for the make, model, and year of that motor vehicle.

(b) Knowingly and intentionally sell, offer for sale, install, or reinstall in any motor vehicle a device that the person knows will cause a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning supplemental restraint system.

(c) Knowingly and intentionally sell, lease, or trade a motor vehicle to a consumer if the person has actual knowledge that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that the person has actual knowledge was not designed to comply with 49 CFR 571.208 for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's inflatable restraint system.

(2) A person who violates subsection (1) is guilty of a felony punishable by imprisonment for not more than 4 years or a fine of not more than \$10,000.00, or both.

(3) This section does not apply to the owner or employee of a new or used motor vehicle dealership who does not have actual knowledge of the presence of a counterfeit supplemental restraint system component or nonfunctional airbag before it is sold.

(4) This section does not create a duty for or require the owner or employee of a new or used motor vehicle dealership to inspect any vehicle in the motor vehicle dealership's possession for counterfeit supplemental restraint system components or nonfunctional airbags before the sale of the vehicle.

(5) This section does not apply to a person who installs a motor vehicle airbag used solely for research and development of airbag technology on motor vehicles that will not be driven on public roadways.

(6) As used in this section:

(a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component that displays a mark that is identical or substantially similar to the genuine mark of a manufacturer or a supplier of parts to a manufacturer without authorization from the manufacturer or supplier.

(c) "Nonfunctional airbag" means a replacement airbag to which 1 or more of the following applies:

(i) The airbag was previously deployed or damaged.

(ii) The airbag has an electric fault that is detected by a motor vehicle's diagnostic system when the installation procedure is complete and the motor vehicle is returned to the customer who requested the work to be performed or when ownership of the vehicle is intended to be transferred.

(iii) The airbag includes a part or object, including, but not limited to, a supplemental restraint system component installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.

(iv) The airbag violates 49 USC 30120(j).

(d) "Supplemental restraint system" means an inflatable restraint system as that term is defined in 49 CFR 571.208 that is designed for use in conjunction with active restraint systems. Supplemental restraint system includes 1 or more airbags and all components required to ensure that an airbag functions as designed by the manufacturer, including, but not limited to, all of the following:

(i) That the airbag will operate as necessary in the event of a crash.

(ii) That the airbag is designed in accordance with federal motor vehicle safety standards for the make, model, and year of the motor vehicle in which it is or will be installed.

History: Add. 2020, Act 269, Eff. Mar. 29, 2021.

Compiler's note: Former MCL 750.421d, which pertained to alteration of odometers, was repealed by Act 367 of 1974, Eff. Apr. 1, 1975.

750.421e Repealed. 1974, Act 367, Eff. Apr. 1, 1975.

Compiler's note: The repealed section pertained to alteration of odometers.