

HOUSE BILL No. 4290

February 23, 1989, Introduced by Reps. Bennane, Leland, Weeks, DeMars, Willis Bullard, Stallworth, Sofio, Allen, Kosteva and Pitoniak and referred to the Committee on Transportation.

A bill to amend sections 356a, 413, 415, 416, and 535a of Act No. 328 of the Public Acts of 1931, entitled "The Michigan penal code," section 535a as amended by Act No. 140 of the Public Acts of 1988, being sections 750.356a, 750.413, 750.415, 750.416, and 750.535a of the Michigan Compiled Laws; and to add sections 280a, 535b, and 535c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 356a, 413, 415, 416, and 535a of Act
2 No. 328 of the Public Acts of 1931, section 535a as amended by
3 Act No. 140 of the Public Acts of 1988, being sections 750.356a,
4 750.413, 750.415, 750.416, and 750.535a of the Michigan Compiled
5 Laws, are amended and sections 280a, 535b, and 535c are added to
6 read as follows:

1 SEC. 280A. (1) A PERSON WHO, WITH THE INTENT TO INJURE,
2 DEFRAUD, OR DECEIVE AN INSURER, DOES EITHER OF THE FOLLOWING IS
3 GUILTY OF A FELONY, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
4 10 YEARS, OR BY A FINE OF NOT MORE THAN \$20,000.00, OR BOTH:

5 (A) PRESENTS OR CAUSES TO BE PRESENTED TO AN INSURER A WRIT-
6 TEN OR ORAL STATEMENT, INCLUDING A COMPUTER GENERATED DOCUMENT,
7 AS PART OF, OR IN SUPPORT OF, A CLAIM FOR PAYMENT OR OTHER BENE-
8 FIT PURSUANT TO AN INSURANCE POLICY, KNOWING THAT THE STATEMENT
9 CONTAINS FALSE, INCOMPLETE, OR MISLEADING INFORMATION CONCERNING
10 ANY FACT MATERIAL TO THE CLAIM, REGARDLESS OF WHETHER THE INSURER
11 RELIES ON THE STATEMENT.

12 (B) ASSISTS, ABETS, SOLICITS, OR CONSPIRES WITH ANOTHER
13 PERSON TO PREPARE OR MAKE A WRITTEN OR ORAL STATEMENT THAT IS
14 INTENDED TO BE PRESENTED TO AN INSURER IN CONNECTION WITH, OR IN
15 SUPPORT OF, A CLAIM FOR PAYMENT OR OTHER BENEFIT PURSUANT TO AN
16 INSURANCE POLICY, KNOWING THAT THE STATEMENT CONTAINS FALSE,
17 INCOMPLETE, OR MISLEADING INFORMATION CONCERNING ANY FACT MATE-
18 RIAL TO THE CLAIM, REGARDLESS OF WHETHER THE INSURER RELIES ON
19 THE STATEMENT.

20 (2) AS USED IN SUBSECTION (1), "STATEMENT" INCLUDES, BUT IS
21 NOT LIMITED TO, A POLICE REPORT, NOTICE OR PROOF OF LOSS, ASSIGN-
22 MENT OF TITLE, BILL OF SALE, RELEASE OF LIEN, BILL OF LADING,
23 RECEIPT FOR PAYMENT, INVOICE, ACCOUNT, ESTIMATE OF PROPERTY DAM-
24 AGES, BILL FOR SERVICES, DIAGNOSIS, PRESCRIPTION, HOSPITAL OR
25 MEDICAL RECORD, X RAY, TEST RESULTS, OR OTHER EVIDENCE OF LOSS,
26 INJURY, EXPENSE, CONDITION, OR TITLE.

1 (3) ALL CLAIM FORMS PROVIDED TO AN INSURED BY AN INSURER
2 SHALL CONTAIN A STATEMENT THAT CLEARLY STATES IN SUBSTANCE THE
3 FOLLOWING: "A PERSON WHO KNOWINGLY, AND WITH INTENT TO INJURE,
4 DEFRAUD, OR DECEIVE AN INSURER, FILES A STATEMENT OF CLAIM CON-
5 TAINING FALSE, INCOMPLETE, OR MISLEADING INFORMATION IS GUILTY OF
6 A FELONY". HOWEVER, THE ABSENCE OF SUCH A STATEMENT FROM A CLAIM
7 FORM SHALL NOT CONSTITUTE A DEFENSE AGAINST PROSECUTION UNDER
8 THIS SECTION.

9 Sec. 356a. (1) ~~Any person who shall commit the offense of~~
10 ~~larceny by stealing or unlawfully removing or taking any wheel,~~
11 ~~tire, radio, heater or clock in or on any motor vehicle, house~~
12 ~~trailer, trailer or semi trailer, shall be guilty of a felony,~~
13 ~~punishable by a fine not to exceed \$1,000.00, or by imprisonment~~
14 ~~in the state prison not more than 5 years.~~ A PERSON WHO, WITH
15 THE INTENT TO STEAL, TAKES ANY PART, EQUIPMENT, ACCESSORY, OR
16 ATTACHMENT FROM A MOTOR VEHICLE IS GUILTY OF A FELONY, PUNISHABLE
17 BY IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR BY A FINE OF NOT
18 MORE THAN \$10,000.00, OR BOTH.

19 (2) ~~Any~~ A person who ~~shall enter or break~~ ENTERS OR
20 BREAKS into ~~any~~ A motor vehicle, house trailer, trailer, or
21 ~~semi-trailer~~ SEMITRAILER, for the purpose of stealing or unlaw-
22 fully removing therefrom any ~~goods, chattels or~~ property of
23 ~~the value of not less than \$5.00, or who shall break or enter~~
24 ~~into any motor vehicle, house trailer, trailer or semi-trailer,~~
25 ~~for the purpose of stealing or unlawfully removing therefrom any~~
26 ~~goods, chattels or property regardless of the value thereof if in~~
27 ~~so doing such person breaks, tears, cuts or otherwise damages any~~

1 ~~part of such motor vehicle, house trailer, trailer or~~
2 ~~semi-trailer, shall be~~ IS guilty of a felony, punishable by ~~a~~
3 ~~fine not to exceed \$1,000.00, or by~~ imprisonment ~~in the state~~
4 ~~prison~~ FOR not more than 5 years, OR A FINE OF NOT MORE THAN
5 \$10,000.00, OR BOTH.

6 Sec. 413. (1) ~~Taking possession of and driving away a~~
7 ~~motor vehicle~~ Any person who shall, ~~wilfully~~ WILLFULLY and
8 without authority, take possession of and drive or take away, and
9 any person who shall assist in or be a party to such taking pos-
10 session, driving or taking away of any motor vehicle, belonging
11 to another, shall be guilty of a felony, punishable by imprison-
12 ment in the state prison for not more than 5 years. A PERSON
13 WHO STEALS OR ATTEMPTS TO STEAL A MOTOR VEHICLE OR A MAJOR COMPO-
14 NENT PART OF A MOTOR VEHICLE IS GUILTY OF A FELONY, PUNISHABLE,
15 EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, BY IMPRISONMENT FOR
16 NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$10,000.00, OR
17 BOTH.

18 (2) A PERSON CONVICTED FOR A SECOND OR SUBSEQUENT TIME UNDER
19 THIS SECTION SHALL SURRENDER HIS OR HER OPERATOR'S OR CHAUFFEUR'S
20 LICENSE TO THE COURT, AND THE COURT SHALL IMMEDIATELY FORWARD THE
21 LICENSE AND THE APPROPRIATE ABSTRACTS OF CONVICTION TO THE SECRE-
22 TARY OF STATE. UPON RECEIPT OF THE ABSTRACTS OF CONVICTION, THE
23 SECRETARY OF STATE SHALL REVOKE THE OPERATOR'S OR CHAUFFEUR'S
24 LICENSE OF THE PERSON CONVICTED. THE SECRETARY OF STATE SHALL
25 NOT ISSUE AN OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE PERSON
26 UNTIL THE EXPIRATION OF NOT LESS THAN 2 YEARS AFTER THE DATE OF
27 THE LAST CONVICTION.

1 (3) A THIRD OR SUBSEQUENT CONVICTION UNDER THIS SECTION IS
2 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR A FINE
3 OF NOT MORE THAN \$20,000.00, OR BOTH.

4 (4) IF A PERSON IS CONVICTED UNDER THIS SECTION AND HAS 1 OR
5 MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF
6 THIS SECTION OR SECTION 414, 415, 535, 535A, OR 535C, ALL OF THE
7 FOLLOWING SHALL APPLY:

8 (A) IF THE PERSON, OR AN ENTITY OWNED IN WHOLE OR IN PART BY
9 THE PERSON, HOLDS A DEALER LICENSE, A MOTOR VEHICLE REPAIR FACIL-
10 ITY REGISTRATION, OR A MECHANIC'S CERTIFICATE, ISSUED BY THE SEC-
11 RETARY OF STATE UNDER SECTION 248 OF THE MICHIGAN VEHICLE CODE,
12 ACT NO. 300 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF
13 THE MICHIGAN COMPILED LAWS, OR UNDER THE MOTOR VEHICLE SERVICE
14 AND REPAIR ACT, ACT NO. 300 OF THE PUBLIC ACTS OF 1974, BEING
15 SECTIONS 257.1301 TO 257.1340 OF THE MICHIGAN COMPILED LAWS, THE
16 PERSON CONVICTED SHALL SURRENDER TO THE COURT THE LICENSE, REGIS-
17 TRATION, OR CERTIFICATE ISSUED BY THE SECRETARY OF STATE AND THE
18 COURT SHALL IMMEDIATELY FORWARD THE LICENSE, REGISTRATION, OR
19 CERTIFICATE AND THE APPROPRIATE ABSTRACTS OF CONVICTION TO THE
20 SECRETARY OF STATE. UPON RECEIPT OF THE ABSTRACTS OF CONVICTION,
21 THE SECRETARY OF STATE SHALL REVOKE THE DEALER LICENSE, MOTOR
22 VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S CERTIFICATE
23 OF THE PERSON CONVICTED OR OF THE ENTITY OWNED IN WHOLE OR IN
24 PART BY THE PERSON.

25 (B) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
26 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S
27 CERTIFICATE TO THE PERSON CONVICTED OR TO AN ENTITY OWNED IN

1 WHOLE OR IN PART BY THE PERSON UNTIL THE EXPIRATION OF NOT LESS
2 THAN 5 YEARS AFTER THE DATE OF THE LAST CONVICTION.

3 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS UNDER THIS
4 SECTION, THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
5 OR MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO THE PERSON CON-
6 VICTED OR TO AN ENTITY OWNED IN WHOLE OR IN PART BY THE PERSON.

7 (5) A PERSON WHO VIOLATES THIS SECTION, UPON CONVICTION, IN
8 ADDITION TO ANY OTHER PUNISHMENT, MAY BE ORDERED TO MAKE RESTITU-
9 TION TO THE RIGHTFUL OWNER OF A STOLEN MOTOR VEHICLE OR OF A
10 STOLEN MAJOR COMPONENT PART, OR TO THE OWNER'S INSURER IF THE
11 OWNER HAS ALREADY BEEN COMPENSATED FOR THE LOSS BY THE INSURER,
12 FOR ANY FINANCIAL LOSS SUSTAINED AS A RESULT OF THE THEFT OF THE
13 MOTOR VEHICLE OR A MAJOR COMPONENT PART. RESTITUTION MAY BE
14 IMPOSED IN ADDITION TO ANY IMPRISONMENT OR FINE IMPOSED, BUT NOT
15 IN LIEU THEREOF.

16 (6) AS USED IN THIS SECTION AND SECTION 415:

17 (A) "MAJOR COMPONENT PART" MEANS THAT TERM AS DEFINED IN
18 SECTION 535A.

19 (B) "MOTOR VEHICLE" MEANS A DEVICE IN, UPON, OR BY WHICH A
20 PERSON OR PROPERTY MAY BE TRANSPORTED OR DRAWN UPON A HIGHWAY AND
21 THAT IS SELF-PROPELLED OR MAY BE CONNECTED TO AND TOWED BY A
22 SELF-PROPELLED DEVICE, OR A LAND-BASED DEVICE THAT IS
23 SELF-PROPELLED BUT IS NOT DESIGNED FOR USE UPON A HIGHWAY,
24 INCLUDING BUT NOT LIMITED TO, FARM MACHINERY, A BULLDOZER, OR A
25 STEAM SHOVEL.

26 Sec. 415. (1) A person who, without the intent to mislead
27 another as to the identity of the vehicle, conceals or

1 misrepresents the identity of a motor vehicle, MAJOR COMPONENT
2 PART, or ~~of a~~ mechanical device, by ~~removing or defacing the~~
3 ~~manufacturer's serial number or the engine or motor number on the~~
4 ~~motor vehicle, or by replacing a part of the motor vehicle or~~
5 ~~mechanical device bearing the serial number or engine or motor~~
6 ~~number of the vehicle with a new part, upon which the proper~~
7 ~~serial number or engine or motor number has not been stamped,~~
8 DOING EITHER OF THE FOLLOWING is guilty of a misdemeanor:

9 (A) REMOVING OR DEFACING THE MANUFACTURER'S SERIAL NUMBER,
10 THE ENGINE OR MOTOR NUMBER, OR ANY OTHER NUMBER PLACED ON THE
11 MOTOR VEHICLE, MAJOR COMPONENT PART, OR MECHANICAL DEVICE BY THE
12 MANUFACTURER TO IDENTIFY THE VEHICLE, PART, OR DEVICE.

13 (B) REPLACING A PART OF THE MOTOR VEHICLE OR MECHANICAL
14 DEVICE BEARING THE SERIAL NUMBER, THE ENGINE OR MOTOR NUMBER, OR
15 ANY OTHER NUMBER PLACED ON THE MOTOR VEHICLE, MAJOR COMPONENT
16 PART, OR MECHANICAL DEVICE BY THE MANUFACTURER TO IDENTIFY THE
17 VEHICLE, PART, OR DEVICE, WITH A NEW OR REPLACEMENT PART, UPON
18 WHICH THE PROPER SERIAL NUMBER, ENGINE OR MOTOR NUMBER, OR OTHER
19 NUMBER DESCRIBED IN THIS SUBDIVISION HAS NOT BEEN STAMPED.

20 (2) A person who, with the intent to mislead another as to
21 the identity of a vehicle, ~~conceals or misrepresents the iden-~~
22 ~~tity of a motor vehicle or of a mechanical device, by removing or~~
23 ~~defacing the manufacturer's serial number or the engine or motor~~
24 ~~number on the motor vehicle, or by replacing a part of the motor~~
25 ~~vehicle or mechanical device bearing the serial number or engine~~
26 ~~or motor number of the vehicle, with a new part, upon which the~~
27 ~~proper serial number or engine or motor number has not been~~

1 ~~stamped,~~ DOES AN ACT DESCRIBED IN SUBSECTION (1)(A) OR (B) is
2 guilty of a felony, ~~and if~~ PUNISHABLE BY IMPRISONMENT FOR NOT
3 MORE THAN 5 YEARS, OR A FINE OF NOT MORE THAN \$10,000.00, OR
4 BOTH. IN ADDITION, IF the person WHO VIOLATES THIS SUBSECTION is
5 a licensed dealer, the license shall be revoked. THE COURT SHALL
6 ORDER THE PERSON TO SURRENDER THE LICENSE TO THE COURT AND SHALL
7 FORWARD THE LICENSE AND AN ABSTRACT OF CONVICTION TO THE SECRE-
8 TARY OF STATE. THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER
9 LICENSE TO A PERSON CONVICTED UNDER THIS SUBSECTION FOR A PERIOD
10 OF NOT LESS THAN 5 YEARS AFTER THE DATE OF CONVICTION.

11 (3) In all prosecutions under this section, possession by a
12 person of a motor vehicle, MAJOR COMPONENT PART, or ~~of a~~
13 mechanical device with the manufacturer's serial number, ~~or~~ the
14 engine or motor number, OR OTHER NUMBER DESCRIBED IN
15 SUBSECTION (1) removed, defaced, destroyed, or altered or with a
16 part bearing the number or numbers replaced by one on which the
17 proper number does not appear, shall be prima facie evidence of
18 violation of this section.

19 (4) If the identification of a motor vehicle, MAJOR COMPO-
20 NENT PART, or ~~a~~ mechanical device has been removed, defaced, or
21 altered as provided in this section, and the real identity of the
22 motor vehicle, MAJOR COMPONENT PART, or mechanical device cannot
23 be determined, the motor vehicle, MAJOR COMPONENT PART, or
24 mechanical device shall be subject to confiscation by the state,
25 and ~~shall~~ MAY be DESTROYED OR sold at public auction. If the
26 ~~items are~~ VEHICLE, PART, OR DEVICE IS confiscated from a
27 licensed vehicle dealer, the dealer's license shall be revoked.

1 (5) AS USED IN THIS SECTION, "LICENSED DEALER" MEANS A
2 PERSON LICENSED AS A DEALER BY THE SECRETARY OF STATE UNDER
3 SECTION 248 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE
4 PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF THE MICHIGAN
5 COMPILED LAWS.

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

9 ~~Intentionally and without authority from the owner, start or~~
10 ~~cause to be started the motor of any motor vehicle, or mali-~~
11 ~~ciously shift or change the starting device or gears of a stand-~~
12 ~~ing motor vehicle to a position other than that in which it was~~
13 ~~left by the owner or driver of said motor vehicle; or~~

14 ~~Intentionally cut, mark, scratch or damage the chassis, run-~~
15 ~~ning gear, body, sides, top, covering or upholstering of any~~
16 ~~motor vehicle, the property of another, or intentionally cut,~~
17 ~~mash, mark, destroy or damage such motor vehicle, or any of the~~
18 ~~accessories, equipment, appurtenances or attachments thereof, or~~
19 ~~any spare or extra parts thereon being or thereto attached, with-~~
20 ~~out the permission of the owner thereof; or~~

21 ~~Intentionally release the brake upon any standing motor~~
22 ~~vehicle, with intent to injure said machine or cause the same to~~
23 ~~be removed without the consent of the owner. Provided, That this~~
24 ~~section shall not apply in case of moving or starting of motor~~
25 ~~vehicles by the police under authority of local ordinance or by~~
26 ~~members of fire departments in case of emergency in the vicinity~~
27 ~~of a fire. A PERSON WHO, INTENTIONALLY AND WITHOUT AUTHORITY~~

1 FROM THE OWNER, BREAKS, CUTS, MARKS, SCRATCHES, OR OTHERWISE
2 DAMAGES A MAJOR COMPONENT PART, EQUIPMENT, ACCESSORY, OR ATTACH-
3 MENT ON A MOTOR VEHICLE IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY
4 IMPRISONMENT FOR NOT MORE THAN 1 YEAR, OR A FINE OF NOT MORE THAN
5 \$1,000.00, OR BOTH.

6 Sec. 535a. (1) As used in this section:

7 (a) "Bona fide purchaser for value" means a person who pur-
8 chases property for value in good faith and without notice of any
9 adverse claim to the property.

10 (b) "Chop shop" means any area, building, storage lot,
11 field, or any other premises or place where 1 or more persons are
12 engaged or have engaged in altering, dismantling, reassembling,
13 or in any way concealing or disguising the identity of a stolen
14 motor vehicle or of any major component part of a stolen motor
15 vehicle; or any area, building, storage lot, field, or any other
16 premises or place where there are 3 or more stolen motor vehicles
17 present or where there are major component parts from 3 or more
18 stolen motor vehicles present.

19 (C) "CONVERTED MAJOR COMPONENT PART" MEANS A MAJOR COMPONENT
20 PART THAT HAS BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO
21 AN INSURANCE COMPANY.

22 (D) "CONVERTED MOTOR VEHICLE" MEANS A MOTOR VEHICLE THAT HAS
23 BEEN THE SUBJECT OF A FALSE OR FRAUDULENT CLAIM TO AN INSURANCE
24 COMPANY.

25 (E) ~~(e)~~ "Major component part" means 1 of the following
26 parts of a motor vehicle:

- 1 (i) The engine.
- 2 (ii) The transmission.
- 3 (iii) The right or left front fender.
- 4 (iv) The hood.
- 5 (v) A door allowing entrance to or egress from the passenger
- 6 compartment of the vehicle.
- 7 (vi) The front or rear bumper.
- 8 (vii) The right or left rear quarter panel.
- 9 (viii) The deck lid, tailgate, or hatchback.
- 10 (ix) The trunk floor pan.
- 11 (x) The cargo box of a pickup.
- 12 (xi) The frame, or if the vehicle has a unitized body, the
- 13 supporting structure or structures ~~which~~ THAT serve as the
- 14 frame.
- 15 (xii) The cab of a truck.
- 16 (xiii) The body of a passenger vehicle.
- 17 (xiv) Any other part of a motor vehicle ~~which~~ THAT the
- 18 secretary of state determines is comparable in design or function
- 19 to any of the parts listed in subparagraphs (i) to (xiii).
- 20 (F) ~~(d)~~ "Motor vehicle" means a device in, upon, or by
- 21 which a person or property is or may be transported or drawn upon
- 22 a highway that is self-propelled or that may be connected to and
- 23 towed by a self-propelled device, and a land-based device that is
- 24 self-propelled but is not designed for use upon a highway,
- 25 including, but not limited to, farm machinery, a bulldozer, and a
- 26 steam shovel.

1 (2) Except as provided in ~~subsection (3)~~ SUBSECTIONS (6)
2 AND (7), a person who knowingly owns, operates, or conducts a
3 chop shop or who knowingly aids and abets another person in
4 owning, operating, or conducting a chop shop is guilty of a
5 felony, punishable by imprisonment for not more than ~~5~~
6 10 years, or by a fine of not more than ~~\$5,000.00~~ \$10,000.00,
7 or both.

8 (3) A PERSON CONVICTED UNDER THIS SECTION SHALL SURRENDER
9 HIS OR HER OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE COURT, AND
10 THE COURT SHALL IMMEDIATELY FORWARD THE LICENSE AND AN ABSTRACT
11 OF CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE
12 ABSTRACT OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE
13 OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON CONVICTED. THE
14 SECRETARY OF STATE SHALL NOT ISSUE AN OPERATOR'S OR CHAUFFEUR'S
15 LICENSE TO THE PERSON UNTIL THE EXPIRATION OF NOT LESS THAN 2
16 YEARS AFTER THE DATE OF THE CONVICTION.

17 (4) IF A PERSON CONVICTED UNDER THIS SECTION, OR AN ENTITY
18 OWNED IN WHOLE OR IN PART BY THE PERSON, HOLDS A DEALER LICENSE,
19 A MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR A MECHANIC'S
20 CERTIFICATE, ISSUED BY THE SECRETARY OF STATE UNDER SECTION 248
21 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300 OF THE PUBLIC ACTS OF
22 1949, BEING SECTION 257.248 OF THE MICHIGAN COMPILED LAWS, OR
23 UNDER THE MOTOR VEHICLE SERVICE AND REPAIR ACT, ACT NO. 300 OF
24 THE PUBLIC ACTS OF 1974, BEING SECTIONS 257.1301 TO 257.1340 OF
25 THE MICHIGAN COMPILED LAWS, THE COURT SHALL ORDER THE PERSON CON-
26 VICTED TO SURRENDER TO THE COURT THE LICENSE, REGISTRATION, OR
27 CERTIFICATE ISSUED BY THE SECRETARY OF STATE AND SHALL FORWARD

1 THE LICENSE, REGISTRATION, OR CERTIFICATE AND AN ABSTRACT OF
2 CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE
3 ABSTRACT OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE
4 DEALER LICENSE, MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR
5 MECHANIC'S CERTIFICATE OF THE PERSON CONVICTED OR THE ENTITY
6 OWNED IN WHOLE OR IN PART BY THE PERSON.

7 (5) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
8 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S CERTIF-
9 ICATE TO A PERSON CONVICTED UNDER THIS SECTION, OR TO AN ENTITY
10 OWNED IN WHOLE OR IN PART BY THE PERSON, UNTIL THE EXPIRATION OF
11 NOT LESS THAN 5 YEARS AFTER THE DATE OF THE CONVICTION.

12 (6) ~~-(3)-~~ Upon a second ~~or subsequent~~ conviction under
13 this section, the person convicted may be imprisoned for not more
14 than ~~-5-~~ 15 years and shall be fined not less than \$10,000.00.

15 (7) IF A PERSON CONVICTED UNDER THIS SECTION HAS 2 OR MORE
16 PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF THIS
17 SECTION OR SECTION 413, 414, 415, OR 535, THE PERSON MAY BE
18 IMPRISONED FOR NOT MORE THAN 20 YEARS OR A FINE OF NOT MORE THAN
19 \$20,000.00 MAY BE IMPOSED, OR BOTH THE IMPRISONMENT AND THE FINE
20 MAY BE IMPOSED.

21 (8) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
22 OR A MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO A PERSON WHO
23 HAS 3 OR MORE CONVICTIONS UNDER THIS SECTION.

24 (9) ~~-(4)-~~ A person who violates this section, upon convic-
25 tion, in addition to any other punishment, may be ordered to make
26 restitution to the rightful owner of a stolen motor vehicle or of
27 a stolen major component part, or to the owner's insurer if the

1 owner has already been compensated for the loss by the insurer,
2 for any financial loss sustained as a result of the theft of the
3 motor vehicle or a major component part. Restitution may be
4 imposed in addition to, but not instead of, any imprisonment or
5 fine imposed.

6 (10) ~~(5)~~ All of the following are subject to seizure and,
7 if a person is charged with a violation or attempted violation of
8 subsection (2) and is convicted of a violation or attempted vio-
9 lation of subsection (2) or section 415, 416, 535, or 536a, all
10 of the following are subject to forfeiture:

11 (a) An engine, tool, machine, implement, device, chemical,
12 or substance used or designed for altering, DESTROYING,
13 SECRETING, dismantling, reassembling, or in any other way con-
14 cealing or disguising the identity of a stolen OR CONVERTED motor
15 vehicle or ~~any~~ major component part.

16 (b) A stolen OR CONVERTED motor vehicle or major component
17 part found at the site of a chop shop or a motor vehicle or major
18 component part for which there is probable cause to believe that
19 it is stolen.

20 (c) A wrecker, car hauler, or any other motor vehicle that
21 is used or has been used to convey or transport a stolen OR
22 CONVERTED motor vehicle or major component part.

23 (d) Books, records, money, negotiable instruments, or other
24 personal property or real property, except real property that is
25 the primary residence of the spouse or a dependent child of the
26 owner, that is or has been used in a chop shop operation.

1 (11) ~~-(6)-~~ Except as provided in subsection ~~-(7)-~~ (12),
2 property described in subsection ~~-(5)-~~ (10) may be seized by a
3 state or local law enforcement agency upon process issued by the
4 recorder's court of the city of Detroit or the district or cir-
5 cuit court having jurisdiction over the property. Seizure with-
6 out process may be made in any of the following cases:

7 (a) The seizure is incident to an arrest or pursuant to a
8 search warrant or an inspection under an administrative inspec-
9 tion warrant.

10 (b) The property subject to seizure has been the subject of
11 a prior judgment in favor of this state in a forfeiture proceed-
12 ing based upon this section.

13 (c) Exigent circumstances exist that preclude the obtaining
14 of process and there is probable cause to believe that the prop-
15 erty was used or is intended to be used in violation of this
16 section.

17 (12) ~~-(7)-~~ In order to retain, pending the forfeiture hear-
18 ing, property for which seizure and forfeiture is sought under
19 this section, a licensed used or secondhand vehicle parts dealer
20 or the owner may post a bond in the amount of 1-1/2 times the
21 value of the property. This subsection does not apply to a motor
22 vehicle or major component part that is to be used as evidence in
23 a criminal proceeding.

24 (13) ~~-(8)-~~ In the event of a seizure of property other than
25 real property pursuant to subsection ~~-(6)-~~ (11), the seizing law
26 enforcement agency shall do 1 or more of the following, subject
27 to subsection ~~-(9)-~~ (14):

1 (a) Place the property under seal.

2 (b) Remove the property to a designated storage area.

3 (c) Petition the recorder's court of the city of Detroit or
4 the district or circuit court to appoint a custodian to take cus-
5 tody of the property and to remove it to an appropriate location
6 for disposition in accordance with law.

7 (14) ~~(9)~~ If property is seized without process under
8 subsection ~~(6)~~ (11), within 14 days after the seizure, the
9 seizing agency shall return the property to the person from whom
10 it was seized unless a hearing has been scheduled to determine
11 whether the seizure was proper and reasonable notice of the hear-
12 ing has been given.

13 ~~(10) The rightful owner of any property under~~
14 ~~subsection (5) that is to be forfeited shall be served notice at~~
15 ~~least 10 days before the matter is to be heard regarding the for-~~
16 ~~feiture, and if the rightful owner did not know of and did not~~
17 ~~consent to the commission of the crime, the property shall be~~
18 ~~returned to the rightful owner. If the rightful owner of the~~
19 ~~property is not known or cannot be found, notice may be served by~~
20 ~~publishing notice of the forfeiture hearing not less than 10 days~~
21 ~~before the date of the hearing in a newspaper of general circula-~~
22 ~~tion in the county where the hearing is to be held. The notice~~
23 ~~shall contain a general description of the property and any~~
24 ~~serial or registration numbers on the property.~~

25 (15) IN CASE OF A SEIZURE PURSUANT TO SUBSECTION (11), FOR-
26 FEITURE PROCEEDINGS SHALL BE INSTITUTED PROMPTLY. IF SEIZURE IS
27 MADE WITHOUT PROCESS AS PROVIDED UNDER SUBSECTION (11) AND THE

1 TOTAL VALUE OF THE PROPERTY SEIZED DOES NOT EXCEED \$100,000.00,
2 THE FOLLOWING PROCEDURE SHALL BE USED:

3 (A) THE LOCAL UNIT OF GOVERNMENT SEIZING THE PROPERTY SHALL
4 CAUSE, OR IF THE PROPERTY IS SEIZED BY THE STATE, THE STATE SHALL
5 CAUSE NOTICE OF THE SEIZURE OF THE PROPERTY AND THE INTENTION TO
6 FORFEIT AND DISPOSE OF THE PROPERTY ACCORDING TO THIS SECTION TO
7 BE GIVEN TO THE OWNER OF THE PROPERTY BY DELIVERING THE NOTICE TO
8 THE OWNER OR BY SENDING THE NOTICE TO THE OWNER BY CERTIFIED
9 MAIL. IF THE NAME AND ADDRESS OF THE OWNER ARE NOT REASONABLY
10 ASCERTAINABLE, OR DELIVERY OF THE NOTICE CANNOT REASONABLY BE
11 ACCOMPLISHED, THE NOTICE SHALL BE PUBLISHED IN A NEWSPAPER OF
12 GENERAL CIRCULATION IN THE COUNTY IN WHICH THE PROPERTY WAS
13 SEIZED FOR 10 SUCCESSIVE PUBLISHING DAYS.

14 (B) ANY PERSON CLAIMING AN INTEREST IN PROPERTY WHICH IS THE
15 SUBJECT OF A NOTICE UNDER SUBDIVISION (A) MAY WITHIN 20 DAYS
16 AFTER RECEIPT OF THE NOTICE, OR OF THE DATE OF THE FIRST PUBLICA-
17 TION OF THE NOTICE, FILE A CLAIM WITH THE LOCAL UNIT OF GOVERN-
18 MENT OR THE STATE EXPRESSING HIS OR HER INTEREST IN THE
19 PROPERTY. UPON THE FILING OF THE CLAIM, AND THE GIVING OF A BOND
20 TO THE LOCAL UNIT OF GOVERNMENT OR THE STATE IN THE AMOUNT OF
21 \$250.00 WITH SURETIES APPROVED BY THE LOCAL UNIT OF GOVERNMENT OR
22 THE STATE CONDITIONED THAT IN CASE THE PROPERTY IS ORDERED FOR-
23 FEITED BY THE COURT THE OBLIGOR SHALL PAY ALL COSTS AND EXPENSES
24 OF THE FORFEITURE PROCEEDINGS, THE LOCAL UNIT OF GOVERNMENT OR
25 THE STATE SHALL TRANSMIT THE CLAIM AND BOND WITH A LIST AND
26 DESCRIPTION OF THE PROPERTY SEIZED TO THE ATTORNEY GENERAL, THE
27 PROSECUTING ATTORNEY FOR THE COUNTY, OR THE CITY OR TOWNSHIP

1 ATTORNEY FOR THE LOCAL UNIT OF GOVERNMENT IN WHICH THE SEIZURE
2 WAS MADE. THE ATTORNEY GENERAL, PROSECUTING ATTORNEY, OR CITY OR
3 TOWNSHIP ATTORNEY SHALL PROMPTLY INSTITUTE FORFEITURE PROCEEDINGS
4 AFTER THE EXPIRATION OF THE 20-DAY PERIOD.

5 (C) IF NO CLAIM IS FILED OR BOND IS GIVEN WITHIN THE 20-DAY
6 PERIOD AS DESCRIBED IN SUBDIVISION (B), THE LOCAL UNIT OF GOVERN-
7 MENT OR THE STATE SHALL DECLARE THE PROPERTY FORFEITED AND SHALL
8 DISPOSE OF THE PROPERTY ACCORDING TO SUBSECTIONS (17) AND (18).

9 (16) ~~+(11)~~ A forfeiture of property encumbered by a bona
10 fide security interest is subject to the interest of the secured
11 party who neither had knowledge of nor consented to the act or
12 omission in violation of this section.

13 (17) ~~+(12)~~ Any property seized under subsection ~~+(6)~~ (11)
14 that was stolen shall be returned to its rightful owner if that
15 ownership can be established to the satisfaction of the seizing
16 law enforcement agency. Any stolen property that is unclaimed
17 after seizure may be sold pursuant to law.

18 (18) ~~+(13)~~ Any property forfeited under this section may be
19 sold pursuant to an order of the court. The proceeds of the sale
20 shall be distributed by the court having jurisdiction over the
21 forfeiture proceeding to the entity having budgetary authority
22 over the seizing law enforcement agency. If more than 1 law
23 enforcement agency was substantially involved in effecting the
24 forfeiture, the court having jurisdiction over the forfeiture
25 proceeding shall distribute equitably the proceeds of the sale
26 among the entities having budgetary authority over the seizing
27 law enforcement agencies. Twenty-five percent of the money

1 received by an entity under this subsection shall be used to
2 enhance law enforcement efforts pertaining to this section.

3 (18) ~~(14)~~ This section does not apply to a person who is a
4 bona fide purchaser for value of the motor vehicle or major com-
5 ponent parts described in subsection (1).

6 SEC. 535B. (1) THE PROSECUTING ATTORNEY MAY PETITION THE
7 CIRCUIT COURT FOR EQUITABLE RELIEF IN THE NAME OF THIS STATE TO
8 ABATE THE OPERATION OF A CHOP SHOP AND TO PERPETUALLY ENJOIN A
9 PERSON, OR AN AGENT OR EMPLOYEE OF THE PERSON, WHO OWNS, LEASES,
10 OR MAINTAINS A BUILDING OR PLACE FROM USING OR PERMITTING THE USE
11 OF THE BUILDING FOR THE OPERATION OF A CHOP SHOP. IF AN INJUNC-
12 TION IS GRANTED, IT SHALL BE BINDING ON THE DEFENDANT THROUGHOUT
13 THIS STATE.

14 (2) FOR PURPOSES OF THIS SECTION, THE PERSON WHO OWNS A
15 BUILDING OR PLACE IS CONSIDERED TO BE THE GRANTEE OR VENDEE OF
16 THE LAST RECORDED DEED OR CONTRACT THAT DESCRIBES THE BUILDING OR
17 PLACE, OR ANY PART OF THE BUILDING OR PLACE, UPON WHICH A CHOP
18 SHOP EXISTS. THE NAMING OF THIS PERSON AS A PARTY DEFENDANT
19 GIVES THE COURT AUTHORITY TO ABATE THE NUISANCE BY CLOSING THE
20 BUILDING OR PLACE, AND THE DEFENDANT IS SUBJECT TO THE ORDER AND
21 JUDGMENT OF THE COURT.

22 (3) IN AN ACTION BROUGHT UNDER SUBSECTION (1), EVIDENCE OF
23 THE GENERAL REPUTATION OF THE BUILDING OR PLACE IS ADMISSIBLE FOR
24 THE PURPOSE OF PROVING THE EXISTENCE OF THE CHOP SHOP. PROOF OF
25 KNOWLEDGE OF THE EXISTENCE OF THE CHOP SHOP ON THE PART OF THE
26 DEFENDANT IS NOT REQUIRED. IT IS NOT NECESSARY FOR THE COURT TO
27 FIND THE PROPERTY INVOLVED IS BEING USED FOR THE OPERATION OF A

1 CHOP SHOP AT THE TIME OF THE HEARING, OR FOR THE PLAINTIFF TO
2 PROVE THAT THE CHOP SHOP WAS CONTINUING AT THE TIME OF THE FILING
3 OF THE PETITION, IF THE PETITION WAS FILED WITHIN 60 DAYS AFTER
4 THE EXISTENCE OF THE CHOP SHOP BECAME KNOWN TO THE PLAINTIFF. ON
5 A FINDING THAT THE MATERIAL ALLEGATIONS OF THE PETITION ARE TRUE,
6 THE COURT SHALL RENDER JUDGMENT AND ISSUE AN ORDER OF ABATEMENT
7 OR INJUNCTION AS PROVIDED IN THIS SECTION.

8 (4) IF A PERSON VIOLATES AN ORDER OF ABATEMENT OR INJUNCTION
9 GRANTED UNDER THIS SECTION, THE COURT MAY SUMMARILY TRY AND
10 PUNISH THE PERSON AS FOR CONTEMPT. THE VIOLATION SHALL BE
11 CHARGED BY A MOTION SUPPORTED BY AN AFFIDAVIT, AND THE COURT, IF
12 SATISFIED OF THE SUFFICIENCY OF THE MOTION AND AFFIDAVIT, SHALL
13 IMMEDIATELY ISSUE A BENCH WARRANT FOR THE ARREST OF THE OFFENDER
14 AND TO BRING HIM OR HER BEFORE THE COURT TO ANSWER FOR THE
15 VIOLATION. THE COURT MAY, IN ITS DISCRETION, PERMIT THE PERSON
16 ARRESTED TO POST BAIL AND MAY FIX THE AMOUNT OF BAIL PENDING A
17 HEARING OF THE MATTERS CHARGED IN THE MOTION. A PERSON WHO IS
18 FOUND TO HAVE VIOLATED AN ORDER OF ABATEMENT OR INJUNCTION
19 GRANTED UNDER THIS SECTION SHALL BE PUNISHED BY IMPRISONMENT FOR
20 NOT MORE THAN 6 MONTHS, OR BY A FINE OF NOT MORE THAN \$5,000.00,
21 OR BOTH.

22 (5) IF THE EXISTENCE OF A CHOP SHOP IS ESTABLISHED IN AN
23 ACTION BROUGHT UNDER SUBSECTION (1), AN ORDER OF ABATEMENT SHALL
24 BE ENTERED AS PART OF THE JUDGMENT IN THE CASE. THE ORDER SHALL
25 DIRECT THE REMOVAL FROM THE BUILDING OR PLACE OF ALL FURNITURE,
26 FIXTURES, AND CONTENTS AND SHALL DIRECT THE SALE OF THE
27 FURNITURE, FIXTURES, AND CONTENTS IN THE MANNER PROVIDED FOR THE

1 SALE OF CHATTELS UNDER EXECUTION. THE ORDER SHALL ALSO DIRECT
2 THE EFFECTUAL CLOSING OF THE BUILDING OR PLACE AGAINST ITS USE
3 FOR ANY PURPOSE FOR A PERIOD OF 1 YEAR, UNLESS THE BUILDING OR
4 PLACE IS RELEASED SOONER AS PROVIDED IN THIS SECTION.

5 (6) UPON THE SALE OF THE FURNITURE, FIXTURES, OR CONTENTS OF
6 A BUILDING OR PLACE AS PROVIDED IN SUBSECTION (5), THE OFFICER
7 EXECUTING THE ORDER OF THE COURT SHALL, AFTER DEDUCTING THE
8 EXPENSES OF KEEPING THE PROPERTY AND THE COSTS OF THE SALE, PAY
9 ALL LIENS, ACCORDING TO THEIR PRIORITIES, THAT MAY BE ESTAB-
10 LISHED, BY INTERVENTION OR OTHERWISE AT THE HEARING OR IN OTHER
11 PROCEEDINGS BROUGHT FOR THAT PURPOSE, AS BEING BONA FIDE AND AS
12 HAVING BEEN CREATED WITHOUT THE LIENOR HAVING ANY NOTICE THAT THE
13 PROPERTY WAS BEING USED OR WAS TO BE USED IN THE OPERATION OF A
14 CHOP SHOP. THE OFFICER SHALL DISTRIBUTE ANY REMAINING PROCEEDS
15 OF THE SALE IN ACCORDANCE WITH SECTION 535A(18).

16 (7) IF A PERSON USES A BUILDING OR PLACE THAT IS DIRECTED TO
17 BE CLOSED PURSUANT TO SUBSECTION (5), WITH KNOWLEDGE THAT THE
18 BUILDING OR PLACE IS CLOSED BY ORDER OF THE COURT, THE PERSON
19 SHALL BE PUNISHED AS FOR CONTEMPT AS PROVIDED IN SUBSECTION (4).

20 (8) FOR REMOVING AND SELLING THE PROPERTY AS PROVIDED IN
21 SUBSECTION (5), THE OFFICER MAY CHARGE AND RECEIVE THE SAME FEES
22 AS HE OR SHE WOULD FOR LEVYING UPON AND SELLING LIKE PROPERTY
23 UPON EXECUTION. FOR CLOSING THE BUILDING OR PLACE AND KEEPING IT
24 CLOSED AS PROVIDED IN SUBSECTION (5), THE COURT SHALL ALLOW PAY-
25 MENT OF A REASONABLE AMOUNT.

26 (9) A PERSON AGAINST WHOM AN ORDER OR JUDGMENT IS ISSUED
27 UNDER THIS SECTION SHALL FORFEIT THE BENEFIT OF ALL PROPERTY

1 EXEMPTIONS, IF REQUIRED FOR THE SATISFACTION OF THE ORDER OR
2 JUDGMENT.

3 (10) THE TAKING AND DISPOSING OF ANY PROPERTY OF THE
4 DEFENDANT PURSUANT TO AN ORDER OR JUDGMENT ISSUED UNDER THIS SEC-
5 TION BY AN OFFICER DIRECTED TO EXECUTE THE ORDER OR JUDGMENT IS
6 NOT A TRESPASS, AND THE OFFICER SHALL NOT BE CIVILLY OR CRIMI-
7 NALLY LIABLE THEREFOR.

8 (11) IF THE OWNER OF A BUILDING OR PLACE AGAINST WHOM AN
9 ACTION IS BROUGHT UNDER SUBSECTION (1) PAYS ALL COSTS OF THE PRO-
10 CEEDING, AND FILES A BOND WITH SURETIES APPROVED BY THE CIRCUIT
11 JUDGE, IN THE PENAL SUM OF NOT LESS THAN \$5,000.00 NOR MORE THAN
12 \$100,000.00, CONDITIONED THAT HE OR SHE WILL IMMEDIATELY ABATE
13 THE CHOP SHOP AND PREVENT THE SAME FROM BEING ESTABLISHED OR
14 OPERATED WITHIN A PERIOD OF 1 YEAR FROM THE DATE OF THE JUDGMENT,
15 THE COURT MAY ORDER THE BUILDING OR PLACE TO BE DELIVERED TO THE
16 OWNER. IF THE BOND IS GIVEN AND COSTS PAID BEFORE THE ORDER OF
17 ABATEMENT IS ISSUED, THE ACTION SHALL BE THEREBY ABATED AS TO
18 THAT BUILDING OR PLACE ONLY.

19 (12) IF IT APPEARS TO THE COURT THAT THE CONDITIONS OF THE
20 BOND HAVE BEEN VIOLATED, THE PRINCIPAL AND SURETIES ON THE BOND
21 ARE LIABLE FOR THE FULL PENALTY OF THE BOND IN AN ACTION BROUGHT
22 IN THE NAME OF THE STATE OR UPON MOTION IN THE ACTION IN WHICH
23 THE BOND WAS GIVEN.

24 (13) IF THE DEFENDANT APPEALS FROM THE ORDER AND JUDGMENT
25 RENDERED, THE INJUNCTION OR ORDER OF ABATEMENT SHALL NOT BE
26 STAYED PENDING THE APPEAL, EXCEPT THAT A STAY MAY BE GRANTED OR

1 THE ORDER OF ABATEMENT MAY BE MODIFIED BY THE COURT OF APPEALS
2 PENDING THE APPEAL.

3 SEC. 535C. (1) A PERSON WHO BUYS, RECEIVES, POSSESSES, CON-
4 CEALS, OR AIDS IN THE CONCEALMENT OF A STOLEN OR CONVERTED MOTOR
5 VEHICLE, OR A VEHICLE THAT HAS 1 OR MORE MAJOR COMPONENT PARTS
6 THAT ARE STOLEN, IS GUILTY OF A FELONY, PUNISHABLE BY IMPRISON-
7 MENT FOR NOT MORE THAN 5 YEARS, OR BY A FINE OF NOT MORE THAN
8 \$5,000.00, OR BOTH.

9 (2) A SECOND CONVICTION UNDER THIS SECTION IS PUNISHABLE BY
10 IMPRISONMENT FOR NOT MORE THAN 5 YEARS, OR A FINE OF NOT MORE
11 THAN \$10,000.00, OR BOTH. A PERSON CONVICTED FOR A SECOND OR
12 SUBSEQUENT TIME UNDER THIS SECTION SHALL SURRENDER HIS OR HER
13 OPERATOR'S OR CHAUFFEUR'S LICENSE TO THE COURT, AND THE COURT
14 SHALL IMMEDIATELY FORWARD THE LICENSE AND THE APPROPRIATE
15 ABSTRACTS OF CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT
16 OF THE ABSTRACTS OF CONVICTION, THE SECRETARY OF STATE SHALL
17 REVOKE THE OPERATOR'S OR CHAUFFEUR'S LICENSE OF THE PERSON
18 CONVICTED. THE SECRETARY OF STATE SHALL NOT ISSUE AN OPERATOR'S
19 OR CHAUFFEUR'S LICENSE TO THE PERSON UNTIL THE EXPIRATION OF NOT
20 LESS THAN 2 YEARS AFTER THE DATE OF THE LAST CONVICTION UNDER
21 THIS SECTION.

22 (3) A PERSON WHO IS CONVICTED UNDER THIS SECTION AND HAS 2
23 OR MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS
24 OF THIS SECTION OR SECTION 413, 414, 415, 535, OR 535A MAY BE
25 PUNISHED BY IMPRISONMENT FOR NOT MORE THAN 10 YEARS, OR BY A FINE
26 OF NOT MORE THAN \$20,000.00, OR BOTH.

1 (4) IF A PERSON IS CONVICTED UNDER THIS SECTION AND HAS 1 OR
2 MORE PRIOR CONVICTIONS FOR VIOLATIONS OR ATTEMPTED VIOLATIONS OF
3 THIS SECTION OR SECTION 413, 414, 415, 535, OR 535A, ALL OF THE
4 FOLLOWING SHALL APPLY:

5 (A) IF THE PERSON, OR AN ENTITY OWNED IN WHOLE OR IN PART BY
6 THE PERSON, HOLDS A DEALER LICENSE ISSUED BY THE SECRETARY OF
7 STATE UNDER SECTION 248 OF THE MICHIGAN VEHICLE CODE, ACT NO. 300
8 OF THE PUBLIC ACTS OF 1949, BEING SECTION 257.248 OF THE MICHIGAN
9 COMPILED LAWS, OR A MOTOR VEHICLE REPAIR FACILITY REGISTRATION OR
10 MECHANIC'S CERTIFICATE ISSUED BY THE SECRETARY OF STATE UNDER THE
11 MOTOR VEHICLE SERVICE AND REPAIR ACT, ACT NO. 300 OF THE PUBLIC
12 ACTS OF 1974, BEING SECTIONS 257.1301 TO 257.1340 OF THE MICHIGAN
13 COMPILED LAWS, THE PERSON CONVICTED SHALL SURRENDER TO THE COURT
14 THE LICENSE, REGISTRATION, OR CERTIFICATE ISSUED BY THE SECRETARY
15 OF STATE AND THE COURT SHALL IMMEDIATELY FORWARD THE LICENSE,
16 REGISTRATION, OR CERTIFICATE AND THE APPROPRIATE ABSTRACTS OF
17 CONVICTION TO THE SECRETARY OF STATE. UPON RECEIPT OF THE
18 ABSTRACTS OF CONVICTION, THE SECRETARY OF STATE SHALL REVOKE THE
19 DEALER LICENSE, MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR
20 MECHANIC'S CERTIFICATE OF THE PERSON CONVICTED OR OF THE ENTITY
21 OWNED IN WHOLE OR IN PART BY THE PERSON.

22 (B) THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE,
23 MOTOR VEHICLE REPAIR FACILITY REGISTRATION, OR MECHANIC'S CERTIF-
24 ICATE TO THE PERSON CONVICTED OR TO AN ENTITY OWNED IN WHOLE OR
25 IN PART BY THE PERSON UNTIL THE EXPIRATION OF NOT LESS THAN 5
26 YEARS AFTER THE DATE OF THE LAST CONVICTION.

1 (C) IF THE PERSON HAS 2 OR MORE PRIOR CONVICTIONS UNDER THIS
2 SECTION, THE SECRETARY OF STATE SHALL NOT ISSUE A DEALER LICENSE
3 OR MOTOR VEHICLE REPAIR FACILITY REGISTRATION TO THE PERSON CON-
4 VICTED OR TO AN ENTITY OWNED IN WHOLE OR IN PART BY THE PERSON.

5 (5) A PERSON WHO VIOLATES THIS SECTION, UPON CONVICTION, IN
6 ADDITION TO ANY OTHER PUNISHMENT, MAY BE ORDERED TO MAKE RESTITU-
7 TION TO THE RIGHTFUL OWNER OF A STOLEN MOTOR VEHICLE OR OF A
8 STOLEN MAJOR COMPONENT PART, OR TO THE OWNER'S INSURER IF THE
9 OWNER HAS ALREADY BEEN COMPENSATED FOR THE LOSS BY THE INSURER,
10 FOR ANY FINANCIAL LOSS SUSTAINED AS A RESULT OF THE THEFT OF THE
11 MOTOR VEHICLE OR A MAJOR COMPONENT PART. RESTITUTION MAY BE
12 IMPOSED IN ADDITION TO, BUT NOT INSTEAD OF, ANY IMPRISONMENT OR
13 FINE IMPOSED.

14 Section 2. This amendatory act shall not take effect unless
15 all of the following bills of the 85th Legislature are enacted
16 into law:

17 (a) Senate Bill No. _____ or House Bill No. 4289 (request
18 no. 00535'89 a).

19 (b) Senate Bill No. _____ or House Bill No. 4288 (request
20 no. 00535'89 b).

21 (c) Senate Bill No. _____ or House Bill No. 4291 (request
22 no. 00535'89 c).