

HOUSE BILL No. 6068

September 19, 1990, Introduced by Rep. Dolan and referred to the Committee on Judiciary.

A bill to amend sections 904 and 904b of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," section 904 as amended by Act No. 346 of the Public Acts of 1988, being sections 257.904 and 257.904b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 904 and 904b of Act No. 300 of the
2 Public Acts of 1949, section 904 as amended by Act No. 346 of the
3 Public Acts of 1988, being sections 257.904 and 257.904b of the
4 Michigan Compiled Laws, are amended to read as follows:

5 Sec. 904. (1) A person whose operator's or chauffeur's
6 license or registration certificate has been suspended or revoked
7 and who has been notified as provided in section 212 of that
8 suspension or revocation, or whose application for license has

1 been denied, as provided in this act, or who has never applied
2 for a license, and who operates a motor vehicle upon the highways
3 of this state or who knowingly permits a motor vehicle owned by
4 the person to be operated by another upon a highway, except as
5 permitted under this act, while the license or registration cer-
6 tificate is suspended or revoked, or whose application for
7 license has been denied, as provided in this act, is guilty of a
8 misdemeanor, punishable, except as provided in subsections ~~(2)~~
9 (3) and ~~(3)~~ (4), by 1 OR BOTH OF THE FOLLOWING:

10 (A) EITHER imprisonment for not less than 3 days ~~nor~~ OR
11 more than 90 days ~~, or a~~ OR COMMUNITY SERVICE AS DESIGNATED BY
12 THE COURT FOR NOT MORE THAN 24 HOURS, WITH THE COSTS ASSOCIATED
13 WITH THE COMMUNITY SERVICE ASSESSED.

14 (B) A fine of not more than \$500.00. ~~\$100.00, or both.~~

15 (2) Unless the vehicle was stolen or used with the permis-
16 sion of a person who did not knowingly permit an unlicensed
17 driver to operate the vehicle, the registration plates of the
18 vehicle USED IN VIOLATING SUBSECTION (1) shall be confiscated.

19 (3) ~~(2)~~ A person whose operator's or chauffeur's license
20 has been suspended under section 321a because that person has
21 failed to answer a citation or has failed to comply with an order
22 or judgment issued pursuant to section 907 and who operates a
23 motor vehicle upon a highway, may be punished by imprisonment for
24 not more than 90 days, or a fine of not more than \$100.00, or
25 both.

1 (4) ~~(3)~~ A person convicted of a second or subsequent
2 violation of this section is guilty of a misdemeanor, punishable
3 by 1 OR BOTH OF THE FOLLOWING:

4 (A) EITHER imprisonment for not less than 5 days ~~nor~~ OR
5 more than 1 year ~~, or a~~ OR COMMUNITY SERVICE AS DESIGNATED BY
6 THE COURT FOR NOT MORE THAN 48 HOURS, WITH THE COSTS ASSOCIATED
7 WITH THE COMMUNITY SERVICE ASSESSED.

8 (B) A fine of not more than \$1,000.00. ~~\$500.00, or both.~~

9 (5) Unless the vehicle was stolen, the registration plates
10 of the vehicle USED IN VIOLATING SUBSECTION (4) shall be
11 confiscated.

12 (6) ~~(4)~~ The secretary of state, upon receiving a record of
13 the conviction or probate court finding of a person upon a charge
14 of unlawful operation of a motor vehicle while the license of the
15 person is suspended, revoked, or denied, or of the conviction,
16 civil infraction determination, or probate court finding of a
17 person for a violation of the motor vehicle laws of this state
18 while the license of the person is suspended, revoked, or denied,
19 immediately shall extend the period of the first suspension or
20 revocation for an additional like period ~~—~~ or, if a period has
21 not been determined, then for not less than 30 days ~~nor~~ OR more
22 than 1 year.

23 (7) ~~(5)~~ The secretary of state, upon receiving a record of
24 the conviction, bond forfeiture, or a civil infraction determina-
25 tion of a person upon a charge of unlawful operation of a motor
26 vehicle requiring a class 1, class 2, or class 3 indorsement or
27 vehicle group designation while the indorsement or designation is

1 suspended pursuant to section 319a or 319b, immediately shall
 2 extend the period of suspension for an additional like period.
 3 This subsection ~~shall apply~~ APPLIES to a person who operates a
 4 commercial vehicle while disqualified under title XII of Public
 5 Law 99-570, 100 Stat. 3207.

6 (8) ~~(6)~~ Before the plea of the person is accepted under
 7 this section, the arresting officer shall check with the secre-
 8 tary of state to determine the record and status of the person
 9 according to the records of the secretary of state and ~~so~~ SHALL
 10 inform the court OF THAT RECORD AND STATUS.

11 (9) ~~(7)~~ This section ~~shall~~ DOES not apply to a person
 12 who operates a vehicle solely for the purpose of protecting human
 13 life or property, if the life or property is endangered and the
 14 summoning of prompt aid is essential.

15 Sec. 904b. ~~When~~ IF a person is convicted of an offense
 16 specified in ~~subsections (a) or (b)~~ of section ~~904~~ 904(1) OR
 17 (4), a motor vehicle owned in whole or in part by ~~him~~ THE
 18 PERSON shall be ordered impounded for not less than 30 ~~nor~~ OR
 19 more than 120 days from the date of judgment. The order of
 20 impoundment ~~shall be~~ IS valid throughout the state and any
 21 peace officer ~~is authorized to~~ MAY execute the impoundment
 22 order. The order shall include the implied consent of the
 23 VEHICLE owner ~~of the vehicle~~ to ~~the~~ storage for insurance
 24 coverage purposes. The owner is liable for expenses incurred in
 25 the removal and storage of the vehicle whether or not the vehicle
 26 is returned to ~~him~~ THE OWNER. The vehicle shall be returned to
 27 ~~him~~ THE OWNER only upon payment of such expenses. If

1 redemption is not made or the vehicle is not returned, as
2 provided in this section, within 30 days after the time set for
3 return of the vehicle in the impounding order, the vehicle ~~shall~~
4 ~~be deemed an~~ IS CONSIDERED abandoned ~~vehicle~~ and SHALL BE dis-
5 posed of as provided in section 252. Nothing in this section
6 affects the rights of a conditional vendor, chattel mortgagee, or
7 lessor of a motor vehicle registered in the name of another as
8 owner who becomes subject to the provisions of this act.