



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 376 (Substitute S-1 as reported by the Committee of the Whole)
Sponsor: Senator Loren Bennett
Committee: Transportation and Tourism

CONTENT

The bill would amend the Michigan Vehicle Code to delete provisions that require points to be entered on a person's driving record for exceeding the lawful maximum speed that was reduced by Public Act 28 of 1974. (Commonly referred to as "energy speed points", this point system applies to speeds over 55 miles per hour on highways where the maximum speed limit was lowered to 55 by Public Act 28. The Code also includes a point system added by Public Act 154 of 1987, which similarly applies to exceeding a speed limit of 55.)

The bill also would provide for the seizure and forfeiture of a vehicle owned, or the return of a vehicle leased, by a person who was convicted of operating a vehicle under the influence of liquor or a controlled substance (OUIL) within 10 years of two or more prior convictions. A vehicle could be seized without process incident to a lawful arrest or pursuant to a seizure order issued by the court. An owner or lessee could bring a motion to require the seizing agency to file a lien against the vehicle and return it to the owner or lessee pending disposition of the criminal proceedings; the owner or lessee would have to establish that the vehicle was necessary for him or her or his or her family to use the vehicle pending the outcome of the forfeiture action. Within three days after the defendant's conviction, the prosecutor would have to give notice to all owners of the vehicle and anyone holding a security interest in it of the intent to forfeit or require return of the vehicle.

The local unit of government that seized a vehicle would have to sell it and dispose of the proceeds in a specified order of priority (to pay secured parties, innocent co-owners, restitution, victims, and governmental lienholders, and for the expenses of forfeiture). The balance would have to be distributed to the local unit or units of government involved; 75% would have to be used to enhance criminal law enforcement, and 25% to implement the Crime Victim's Rights Act.

The bill would take effect January 1, 1996.

MCL 257.208 et al.

Legislative Analyst: S. Margules

FISCAL IMPACT

Revenue generated under the forfeiture provisions of the bill would depend on the number of vehicles, the unencumbered value, and the costs of the forfeiture proceedings. There were 1,692 third-offense convictions in 1993 and 1,810 in 1994.

Date Completed: 5-24-95

Fiscal Analyst: B. Bowerman