

HOUSE BILL No. 5952

June 18, 1998, Introduced by Rep. Schauer and referred to the Committee on Judiciary.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
(MCL 257.1 to 257.923) by adding sections 904c, 904d, 904e, and
904f.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 904C. (1) WHEN A PEACE OFFICER DETAINS THE DRIVER OF A
2 MOTOR VEHICLE FOR A VIOLATION OF A LAW OF THIS STATE OR LOCAL
3 ORDINANCE FOR WHICH VEHICLE IMMOBILIZATION IS REQUIRED OR FORFEI-
4 TURE MAY BE ORDERED BY THE COURT, THE PEACE OFFICER SHALL DO ALL
5 OF THE FOLLOWING:

6 (A) IMMEDIATELY CONFISCATE THE VEHICLE'S REGISTRATION
7 PLATE.

8 (B) ISSUE A TEMPORARY VEHICLE REGISTRATION PLATE FOR THE
9 VEHICLE IN A FORM PRESCRIBED BY THE SECRETARY OF STATE.

1 (C) PLACE THE TEMPORARY VEHICLE REGISTRATION PLATE ON THE
2 VEHICLE IN THE MANNER REQUIRED BY THE SECRETARY OF STATE.

3 (D) NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCE-
4 MENT INFORMATION NETWORK IN A FORM PRESCRIBED BY THE SECRETARY OF
5 STATE THAT THE REGISTRATION PLATE WAS CONFISCATED AND DESTROYED,
6 AND A TEMPORARY PLATE WAS ISSUED.

7 (E) ISSUE THE PERSON A WRITTEN NOTICE TO APPEAR IN COURT
8 CONTAINING A WARNING THAT A FAILURE TO APPEAR IN COURT MAY RESULT
9 IN VEHICLE IMMOBILIZATION OR VEHICLE FORFEITURE.

10 (2) A TEMPORARY VEHICLE REGISTRATION PLATE ISSUED UNDER THIS
11 SECTION IS VALID FOR 100 DAYS, BUT SHALL BE RENEWED AUTOMATICALLY
12 IF THE CASE HAS NOT HAD A FINAL DISPOSITION AND THE DELAY IS NOT
13 ATTRIBUTABLE TO THE DEFENDANT.

14 SEC. 904D. (1) FOR A VIOLATION OF SECTION 625, THE FOLLOW-
15 ING APPLY:

16 (A) FOR A VIOLATION OF SECTION 625(1), (3), (4), OR (5), OR
17 A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1)
18 OR (3), THE COURT MAY ORDER VEHICLE IMMOBILIZATION FOR NOT MORE
19 THAN 14 DAYS.

20 (B) FOR A VIOLATION OF SECTION 625(1) OR (3) PUNISHABLE
21 UNDER SECTION 625(7)(B) OR (9)(B), THE COURT SHALL ORDER VEHICLE
22 IMMOBILIZATION FOR 14 DAYS.

23 (C) FOR A VIOLATION OF SECTION 625(1) OR (3) PUNISHABLE
24 UNDER SECTION 625(7)(D) OR (9)(C), THE COURT SHALL ORDER VEHICLE
25 IMMOBILIZATION FOR 180 DAYS.

26 (2) FOR A VIOLATION OF SECTION 904, THE FOLLOWING APPLY:

1 (A) FOR 1 PRIOR SUSPENSION, REVOCATION, OR DENIAL OR ANY
2 COMBINATION OF 2 PRIOR SUSPENSIONS, REVOCATIONS, OR DENIALS UNDER
3 SECTION 904(1)(A) OR (B) WITHIN THE PAST 7 YEARS, THE COURT SHALL
4 ORDER VEHICLE IMMOBILIZATION FOR 14 DAYS.

5 (B) FOR ANY COMBINATION OF 3 OR MORE PRIOR SUSPENSIONS,
6 REVOCATIONS, OR DENIALS UNDER SECTION 904(1)(A) OR (B) WITHIN THE
7 PAST 7 YEARS, THE COURT SHALL ORDER VEHICLE IMMOBILIZATION FOR
8 180 DAYS.

9 (3) THE DEFENDANT SHALL PROVIDE TO THE COURT THE VEHICLE
10 IDENTIFICATION NUMBER AND REGISTRATION PLATE NUMBER OF THE VEHI-
11 CLE INVOLVED IN THE VIOLATION.

12 (4) THE COURT SHALL NOT ORDER VEHICLE IMMOBILIZATION UNDER
13 THIS SECTION IF THE DEFENDANT IS NOT THE OWNER OR LESSEE OF THE
14 VEHICLE OPERATED DURING THE VIOLATION UNLESS THE OWNER OR LESSEE
15 KNOWINGLY PERMITTED THE VEHICLE TO BE OPERATED IN VIOLATION OF
16 SECTION 625(2) OR SECTION 904(1).

17 (5) AN ORDER REQUIRED TO BE ISSUED UNDER THIS SECTION SHALL
18 NOT BE SUSPENDED.

19 (6) IF A DEFENDANT IS ORDERED IMPRISONED FOR THE VIOLATION
20 FOR WHICH IMMOBILIZATION IS ORDERED, THE PERIOD OF IMMOBILIZATION
21 SHALL BEGIN AT THE END OF THE PERIOD OF IMPRISONMENT.

22 (7) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

23 (A) A SUSPENSION, REVOCATION, OR DENIAL BASED ON A VIOLATION
24 OF THE SUPPORT AND PARENTING TIME ENFORCEMENT ACT, 1982 PA 295,
25 MCL 552.601 TO 552.650.

26 (B) FOR A VIOLATION OF SECTION 904, AN INDIVIDUAL WHO HAS NO
27 CURRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER SECTION 321A OR

1 WHO HAS 1 CURRENTLY EFFECTIVE SUSPENSION OR DENIAL UNDER SECTION
2 321A BUT HAS NEVER VIOLATED A CONDITION OF THAT SUSPENSION OR
3 DENIAL, AND WHO HAS NO OTHER SUSPENSIONS OR REVOCATIONS OR DENI-
4 ALS UNDER THIS ACT.

5 (C) A VEHICLE THAT IS REGISTERED IN ANOTHER STATE OR THAT IS
6 A RENTAL VEHICLE.

7 (D) ANY OF THE FOLLOWING:

8 (i) A VIOLATION OF CHAPTER II.

9 (ii) A VIOLATION OF CHAPTER V.

10 (iii) A VIOLATION FOR FAILURE TO CHANGE ADDRESS.

11 (iv) A PARKING VIOLATION.

12 (v) A BAD CHECK VIOLATION.

13 (vi) AN EQUIPMENT VIOLATION.

14 (vii) A PEDESTRIAN, PASSENGER, OR BICYCLE VIOLATION OTHER
15 THAN A VIOLATION OF SECTION 703(1) OR (2)) OF THE MICHIGAN LIQUOR
16 CONTROL CODE OF 1998, 1998 PA 58, MCL 436.1703, OR A LOCAL ORDI-
17 NANCE SUBSTANTIALLY CORRESPONDING TO SECTION 703(1) OR (2) OF THE
18 MICHIGAN LIQUOR CONTROL CODE OF 1998, 1998 PA 57, MCL 436.1703,
19 OR SECTION 624A OR 624B OR A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
20 SPONDING TO SECTION 624A OR 624B.

21 (viii) A VIOLATION OF A LOCAL ORDINANCE SUBSTANTIALLY CORRE-
22 SPONDING TO A VIOLATION DESCRIBED IN SUBPARAGRAPHS (i) TO (vii).

23 (8) AS USED IN THIS SECTION, "VEHICLE IMMOBILIZATION" MEANS
24 REQUIRING THE MOTOR VEHICLE INVOLVED IN THE VIOLATION AND OWNED
25 OR LEASED BY THE DEFENDANT IMMOBILIZED AS PROVIDED IN SECTION
26 904E.

1 SEC. 904E. (1) A COURT SHALL ORDER A VEHICLE IMMOBILIZED
2 UNDER SECTION 904D BY THE INSTALLATION OF ANY AVAILABLE
3 TECHNOLOGY THAT LOCKS THE IGNITION, WHEELS, OR STEERING OF THE
4 VEHICLE OR OTHERWISE PREVENTS ANY PERSON FROM OPERATING THE VEHI-
5 CLE OR THAT PREVENTS THE DEFENDANT FROM OPERATING THE VEHICLE.
6 IF A VEHICLE IS IMMOBILIZED UNDER THIS SECTION, THE COURT MAY
7 ORDER THE VEHICLE STORED AT A LOCATION AND IN A MANNER CONSIDERED
8 APPROPRIATE BY THE COURT. THE COURT MAY ORDER THE PERSON CON-
9 VICTED OF VIOLATING SECTION 625 OR 904(1) TO PAY THE COST OF
10 IMMOBILIZING AND STORING THE VEHICLE.

11 (2) A VEHICLE SUBJECT TO IMMOBILIZATION UNDER THIS SECTION
12 MAY BE SOLD DURING THE PERIOD OF IMMOBILIZATION, BUT SHALL NOT BE
13 SOLD TO A PERSON WHO IS EXEMPT FROM PAYING A USE TAX UNDER SEC-
14 TION 3(3)(A) OF THE USE TAX ACT, 1937 PA 94, MCL 205.93, WITHOUT
15 PRIOR APPROVAL BY THE COURT.

16 (3) A DEFENDANT WHO IS PROHIBITED FROM OPERATING A MOTOR
17 VEHICLE BY VEHICLE IMMOBILIZATION SHALL NOT PURCHASE, LEASE, OR
18 OTHERWISE OBTAIN A MOTOR VEHICLE DURING THE IMMOBILIZATION PERIOD
19 WITHOUT THE PRIOR APPROVAL OF THE COURT.

20 (4) A PERSON SHALL NOT REMOVE OR BYPASS OR ATTEMPT TO REMOVE
21 OR BYPASS A DEVICE THAT HE OR SHE KNOWS OR HAS REASON TO KNOW HAS
22 BEEN INSTALLED ON A VEHICLE BY COURT ORDER FOR VEHICLE IMMOBILI-
23 ZATION OR OPERATE OR ATTEMPT TO OPERATE A VEHICLE THAT HE OR SHE
24 KNOWS OR HAS REASON TO KNOW HAS BEEN ORDERED IMMOBILIZED.

25 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDE-
26 MEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 93 DAYS OR A
27 FINE OF NOT MORE THAN \$100.00, OR BOTH.

1 (6) TO THE EXTENT THAT A LOCAL ORDINANCE REGARDING THE
2 STORAGE OR REMOVAL OF VEHICLES CONFLICTS WITH AN ORDER OF IMMOBI-
3 LIZATION ISSUED BY THE COURT, THE LOCAL ORDINANCE IS PREEMPTED.

4 SEC. 904F. THE VEHICLE REGISTRATION RECORDS OF THE SECRE-
5 TARY OF STATE SHALL DISCLOSE WHICH VEHICLES ARE ASSIGNED A TEMPO-
6 RARY REGISTRATION PLATE UNDER SECTION 625A OR 904C OR ARE IMMO-
7 BILIZED UNDER THIS ACT.

8 Enacting section 1. This amendatory act takes effect
9 October 1, 1999.

10 Enacting section 2. This amendatory act does not take
11 effect unless all of the following bills of the 89th Legislature
12 are enacted into law:

13 (a) House Bill No. 4210.

14 (b) House Bill No. 4576.

15 (c) House Bill No. 5122.

16 (d) House Bill No. 5123.

17 (e) Senate Bill No. _____ or House Bill No. _____ (request
18 no. 06516'98).

19 (f) Senate Bill No. _____ or House Bill No. _____ (request
20 no. 06517'98).

21 (g) Senate Bill No. _____ or House Bill No. _____ (request
22 no. 06518'98).