

SENATE BILL No. 936

December 13, 2005, Introduced by Senator SWITALSKI and referred to the Committee on Judiciary.

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
(MCL 600.101 to 600.9947) by adding section 2975.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2975. (1) A PERSON WHO CLAIMS TO BE ENTITLED TO PAYMENT
2 FOR THE SEIZURE, STORAGE, OR IMPOUNDMENT OF A MOTOR VEHICLE IN
3 CONNECTION WITH AN ALLEGED VIOLATION OF A LAW OF THIS STATE OR AN
4 ORDINANCE OF A LOCAL UNIT OF GOVERNMENT SHALL NOT COLLECT OR
5 ATTEMPT TO COLLECT THAT PAYMENT FROM THE OWNER OR LESSEE OF THE
6 VEHICLE IF 1 OR MORE OF THE FOLLOWING OCCUR:

7 (A) ALL CHARGES AGAINST THE OWNER OR LESSEE RELATING TO THE
8 VIOLATION ARE DISMISSED.

9 (B) THE OWNER OR LESSEE IS FOUND NOT GUILTY OF OR RESPONSIBLE

1 FOR THE VIOLATION.

2 (2) AS USED IN THIS SECTION:

3 (A) "COLLECT OR ATTEMPT TO COLLECT" INCLUDES, BUT IS NOT
4 LIMITED TO, ANY OF THE FOLLOWING:

5 (i) REQUESTING PAYMENT, IN PERSON OR OTHERWISE.

6 (ii) COMMENCING LEGAL OR ADMINISTRATIVE ACTION FOR THE PAYMENT.

7 (iii) RETAINING POSSESSION OF THE VEHICLE WITHOUT THE PERMISSION
8 OF THE OWNER OR LESSEE.

9 (iv) ENFORCING OR ATTEMPTING TO ENFORCE A LIEN ON THE VEHICLE.

10 (B) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION,
11 ASSOCIATION, GOVERNMENTAL ENTITY, INCLUDING, BUT NOT LIMITED TO,
12 THIS STATE OR THE LOCAL UNIT OF GOVERNMENT THAT SEIZED OR IMPOUNDED
13 THE VEHICLE, OR OTHER LEGAL ENTITY.