



HOUSE BILL No. 4847

May 16, 1995, Introduced by Reps. Perricone, Jersevic, Goschka, Rocca, Kukuk, Voorhees, Green, Byl, Jellema, Hammerstrom, Gustafson, Weeks, Hill, Ryan, Bush, McBryde, Llewellyn, London and Oxender and referred to the Committee on Judiciary and Civil Rights.

A bill to amend section 904b of Act No. 300 of the Public Acts of 1949, entitled as amended
"Michigan vehicle code,"
as amended by Act No. 319 of the Public Acts of 1993, being section 257.904b of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 904b of Act No. 300 of the Public Acts
2 of 1949, as amended by Act No. 319 of the Public Acts of 1993,
3 being section 257.904b of the Michigan Compiled Laws, is amended
4 to read as follows:

5 Sec. 904b. (1) ~~When~~ EXCEPT AS OTHERWISE PROVIDED IN THIS
6 SECTION, IF a person is convicted of an offense punishable under
7 section ~~904(1)(b) or (e)~~ 904(1) or a local ordinance
8 substantially corresponding to section ~~(904(1)(b) or (e))~~ 904(1)
9 for operating a motor vehicle while his or her license to operate

1 a motor vehicle is suspended, revoked, or denied, the court shall
2 order the motor vehicle, if it is owned in whole or in part or
3 leased by that person, impounded for ~~not less than a~~ THE period
4 the court orders but not more than 120 days from the date of
5 judgment.

6 (2) ~~When a person is convicted of an offense punishable~~
7 ~~under section 904(1)(a) or a local ordinance substantially corre-~~
8 ~~sponding to section 904(1)(a) for operating a motor vehicle while~~
9 ~~his or her license to operate a motor vehicle is suspended,~~
10 ~~revoked, or denied, the court may order the motor vehicle, if it~~
11 ~~is owned in whole or in part or leased by that person, impounded~~
12 ~~for not more than 120 days from the date of judgment.~~ IF THE
13 PERSON IS CONVICTED OF AN OFFENSE PUNISHABLE UNDER SECTION 904(1)
14 OR A LOCAL ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION
15 904(1) AND THE PERSON IS CONVICTED OF A DRUNK DRIVING OFFENSE
16 ARISING OUT OF THE SAME TRANSACTION, THE COURT SHALL DO 1 OF THE
17 FOLLOWING AS APPLICABLE:

18 (A) IF THE DRUNK DRIVING OFFENSE IS THE DEFENDANT'S FIRST
19 DRUNK DRIVING OFFENSE, THE COURT SHALL ORDER THE MOTOR VEHICLE
20 INVOLVED IN THE OFFENSE IMPOUNDED FOR THE PERIOD THE COURT
21 ORDERS.

22 (B) IF THE DRUNK DRIVING OFFENSE IS THE DEFENDANT'S SECOND
23 DRUNK DRIVING OFFENSE, THE COURT SHALL ORDER THE MOTOR VEHICLE
24 INVOLVED IN THE OFFENSE IMPOUNDED FOR THE PERIOD THE PERSON'S
25 LICENSE TO OPERATE A MOTOR VEHICLE IS SUSPENDED, REVOKED, OR
26 DENIED.

1 (C) IF THE DRUNK DRIVING OFFENSE IS THE DEFENDANT'S THIRD OR
2 SUBSEQUENT DRUNK DRIVING OFFENSE, THE COURT SHALL ORDER THE MOTOR
3 VEHICLE INVOLVED IN THE OFFENSE FORFEITED OR, IF THE MOTOR VEHI-
4 CLE IS LEASED, THE COURT SHALL ORDER IT TO BE RETURNED TO THE
5 LESSOR.

6 (3) An order for the impounding of a motor vehicle issued
7 pursuant to this section is valid throughout the state. Any
8 peace officer may execute the impoundment order. The order shall
9 include the implied consent of the owner of the vehicle to the
10 storage for insurance coverage purposes.

11 (4) The owner of a motor vehicle impounded pursuant to this
12 section is liable for expenses incurred in the removal and stor-
13 age of the vehicle whether or not the vehicle is returned to him
14 or her. The vehicle shall be returned to the owner only if the
15 owner pays the expenses for removal and storage. If redemption
16 is not made or the vehicle is not returned as provided in this
17 section within 30 days after the time set in the impoundment
18 order for return of the vehicle, the vehicle shall be considered
19 an abandoned vehicle and disposed of as provided in section
20 252a.

21 (5) A MOTOR VEHICLE THAT IS NOT LEASED AND IS OTHERWISE
22 SUBJECT TO IMPOUNDMENT OR FORFEITURE UNDER THIS SECTION IS NOT
23 SUBJECT TO IMPOUNDMENT OR FORFEITURE IF THE MOTOR VEHICLE'S OWNER
24 DID NOT CONSENT TO THE DEFENDANT'S OPERATION OF THE MOTOR VEHI-
25 CLE, OR DID NOT KNOW THAT THE DEFENDANT'S DRIVER'S LICENSE HAD
26 BEEN SUSPENDED OR REVOKED, THAT THE DEFENDANT'S APPLICATION FOR A

1 DRIVER'S LICENSE HAD BEEN DENIED, OR THAT THE DEFENDANT HAD NEVER
2 APPLIED FOR A DRIVER'S LICENSE.

3 (6) FORFEITURE UNDER THIS SECTION SHALL PROCEED IN THE SAME
4 MANNER AS PROVIDED IN PART 47 OF THE REVISED JUDICATURE ACT OF
5 1961, ACT NO. 236 OF THE PUBLIC ACTS OF 1961, BEING SECTIONS
6 600.4701 TO 600.4709 OF THE MICHIGAN COMPILED LAWS.

7 (7) ~~(5)~~ This section does not affect the rights of a con-
8 ditional vendor, chattel mortgagee, or lessor of a motor vehicle
9 registered in the name of another person as owner who becomes
10 subject to this act.

11 (8) AS USED IN THIS SECTION, "DRUNK DRIVING OFFENSE" MEANS A
12 VIOLATION OF SECTION 625(1), (3), (4), (5), OR (6) OR A LOCAL
13 ORDINANCE SUBSTANTIALLY CORRESPONDING TO SECTION 625(1), (3), OR
14 (6).