

HOUSE BILL No. 4494

March 3, 2009, Introduced by Reps. LeBlanc, Lori, Bolger, Hansen, Valentine, Polidori, Rick Jones, Bauer and Meadows and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 255 (MCL 257.255), as amended by 2003 PA 9, and
by adding sections 224a and 233c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 224A. (1) THE SECRETARY OF STATE SHALL NOT ISSUE A
2 REGISTRATION PLATE FOR A STATE POLICE VEHICLE THAT HAS BEEN
3 TRANSFERRED FROM THE DEPARTMENT OF STATE POLICE UNTIL THE SECRETARY
4 OF STATE RECEIVES SATISFACTORY EVIDENCE OF ALL OF THE FOLLOWING:

5 (A) THAT THE VEHICLE HAS BEEN REPAINTED IN A MANNER THAT
6 REMOVES THE DISTINCTIVE COLOR AND MARKINGS OF THE VEHICLE.

7 (B) THAT THE FRONT PUSH BAR, STATE POLICE INSIGNIA, ANY
8 DISTINCTIVE RED OR BLUE LIGHTS, AND ANY SPECIALIZED EQUIPMENT THAT

1 IS DISTINCTIVE TO STATE POLICE VEHICLES HAVE BEEN REMOVED.

2 (2) THE SECRETARY OF STATE MAY ISSUE A TEMPORARY REGISTRATION
3 PLATE THAT IS VALID FOR NOT MORE THAN 15 DAYS TO ALLOW A PERSON WHO
4 SEEKS TO REGISTER A STATE POLICE VEHICLE THAT HAS BEEN TRANSFERRED
5 FROM THE DEPARTMENT OF STATE POLICE TO COMPLY WITH THE REQUIREMENTS
6 FOR OBTAINING A REGISTRATION PLATE UNDER THIS SECTION.

7 (3) AS USED IN THIS SECTION, "STATE POLICE VEHICLE" MEANS A
8 VEHICLE WITH A DISTINCTIVE COLOR, PATTERN, OR MARKINGS THAT
9 IDENTIFY IT AS A VEHICLE USED BY A MICHIGAN STATE POLICE OFFICER IN
10 PERFORMING OFFICIAL DUTIES.

11 SEC. 233C. A PERSON WHO SELLS AT AUCTION A STATE POLICE
12 VEHICLE, AS DEFINED IN SECTION 224A, SHALL INFORM POTENTIAL BUYERS
13 OF THE SPECIAL REQUIREMENTS UNDER THAT SECTION FOR OBTAINING A
14 REGISTRATION PLATE. A BUYER MAY RESCIND THE SALE WITHIN 90 DAYS IF
15 HE OR SHE DID NOT RECEIVE THE NOTICE REQUIRED IN THIS SECTION
16 BEFORE ENTERING INTO THE SALES AGREEMENT.

17 Sec. 255. (1) Except as otherwise provided in this chapter, a
18 person shall not operate, nor shall an owner knowingly permit to be
19 operated, upon any highway, a vehicle required to be registered
20 under this act unless there is attached to and displayed on the
21 vehicle, as required by this chapter, a valid registration plate
22 issued for the vehicle by the department for the current
23 registration year. A registration plate shall not be required upon
24 any wrecked or disabled vehicle, or vehicle destined for repair or
25 junking, which is being transported or drawn upon a highway by a
26 wrecker or a registered motor vehicle.

27 (2) Except as otherwise provided in this section, a person who

1 violates subsection (1) is responsible for a civil infraction.
2 However, if the vehicle is a commercial vehicle ~~which~~**THAT** is
3 required to be registered according to the schedule of elected
4 gross vehicle weights under section 801(1)(k), the person is guilty
5 of a misdemeanor punishable by imprisonment for not more than 90
6 days or a fine of not more than \$500.00, or both.

7 (3) A person who operates a vehicle licensed under the
8 international registration plan and does not have a valid
9 registration due to nonpayment of the apportioned fee is guilty of
10 a misdemeanor, punishable by imprisonment for not more than 90
11 days, or by a fine of not more than \$100.00, or both. In addition,
12 a police officer may impound the vehicle until a valid registration
13 is obtained. If the vehicle is impounded, the towing and storage
14 costs of the vehicle, and the care or preservation of the load in
15 the vehicle shall be the owner's responsibility. Vehicles impounded
16 shall be subject to a lien in the amount of the apportioned fee and
17 any fine and costs incurred under this subsection, subject to a
18 valid lien of prior record. If the apportioned fee, fine, and costs
19 are not paid within 90 days after impoundment, then following a
20 hearing before the judge or magistrate who imposed the fine and
21 costs, the judge or magistrate shall certify the unpaid judgment to
22 the prosecuting attorney of the county in which the violation
23 occurred. The prosecuting attorney shall enforce the lien by
24 foreclosure sale in accordance with the procedure authorized by law
25 for chattel mortgage foreclosures.

26 **(4) A PERSON WHO OPERATES IN VIOLATION OF SUBSECTION (1) A**
27 **VEHICLE THAT WAS FORMERLY THE PROPERTY OF THE DEPARTMENT OF STATE**

1 POLICE AND USED AS A STATE POLICE VEHICLE, AS DEFINED IN SECTION
2 224A, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT
3 MORE THAN 93 DAYS OR A FINE OF NOT MORE THAN \$500.00, OR BOTH.