

HOUSE BILL No. 6299

November 4, 2004, Introduced by Rep. Byrum 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.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 255. (1) Except as otherwise provided in this chapter,
2 a person shall not operate, nor shall an owner knowingly permit
3 to be operated, upon any highway, a vehicle required to be
4 registered under this act unless there is attached to and
5 displayed on the vehicle, as required by this chapter, a valid
6 registration plate issued for the vehicle by the department for
7 the current registration year. A registration plate shall not be
8 required upon any wrecked or disabled vehicle, or vehicle
9 destined for repair or junking, ~~which~~ **that** is being transported
10 or drawn upon a highway by a wrecker or a registered motor
11 vehicle.

1 (2) Except as otherwise provided in this section, a person
2 who violates subsection (1) is responsible for a civil
3 infraction. However, if the vehicle is a commercial vehicle
4 ~~which~~ **that** is required to be registered according to the
5 schedule of elected gross vehicle weights under section
6 801(1)(k), ~~the~~ **all of the following apply:**

7 **(a)** The person is guilty of a misdemeanor punishable by
8 imprisonment for not more than 90 days or a fine of not more than
9 \$500.00, or both.

10 **(b)** A police officer may impound the vehicle until a valid
11 registration is obtained. If the vehicle is impounded, the
12 towing and storage costs of the vehicle and the care or
13 preservation of the load in the vehicle shall be the owner's
14 responsibility. Vehicles impounded shall be subject to a lien in
15 the amount of the fee and any fine and costs incurred under this
16 subsection, subject to a valid lien of prior record. If the fee,
17 fine, and costs are not paid within 90 days after impoundment,
18 then following a hearing before the judge or magistrate who
19 imposed the fee, fine, and costs, the judge or magistrate shall
20 certify the unpaid judgment to the prosecuting attorney of the
21 county in which the violation occurred. The prosecuting attorney
22 shall enforce the lien by foreclosure sale in accordance with the
23 procedure authorized by law for chattel mortgage foreclosures.

24 **(c)** In addition to any other penalty imposed under this
25 subsection, the person shall pay to the court a fee equal to the
26 total tax the person would have paid to properly register the
27 vehicle under section 801(1)(k) from the date of the expiration

1 of the most recent registration of the vehicle to the date on
2 which the person received a citation for the violation of
3 subsection (1), excluding any 3-month, 6-month, or 1-year period
4 when the vehicle was not in use. However, the fee imposed under
5 this subdivision shall not exceed the total tax the person would
6 have paid to properly register the vehicle under section
7 801(1)(k) for 1 year. The court shall transfer any fee required
8 to be paid under this subdivision to the transportation
9 administration collection fund created under section 810b.

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

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2 mortgage foreclosures.