

Legislative Update: 2004

Motor Vehicle Code, Commercial Vehicle Violations

ABANDONED VEHICLE TOWING AND DISPOSAL

([MCL 257.222, 257.240, 257.252g, and 257.907](#)) Establish record keeping requirements for the seller of a motor vehicle. Create a method that allows towing agencies to seek remuneration for costs incurred from towing and storing abandoned vehicles. Establish requirements for private property business owners before they are permitted to request vehicles are towed for parking against the wishes of the property owner. Effective: October 1, 2005

ABANDONED VEHICLE PROCESS

([MCL 257.14 et seq.](#)) Establish the abandoned vehicle fund, create a civil infraction offense of abandoning a motor vehicle, provide for Secretary of State involvement in notification requirements regarding abandoned vehicles, and provide for more streamlined process for disposing of abandoned vehicles. This Act significantly reduces the amount of involvement required by law enforcement agencies in the abandoned vehicle process. Effective: October 1, 2005

Official Order No. 124 and Official Order No. 49, Enclosure 14 will be revised to reflect changes in statute from the two Public Acts above.

VEHICLES AS LITTER

([MCL 324.8901, 324.8904, and 324.8905a](#)) Include abandoned vehicles that are not redeemed by their titled owner in the definition of litter. Effective: December 29, 2004

PROOF OF INSURANCE WAIVER

([MCL 257.328](#)) Permits the court to waive no proof of insurance citations. Effective: May 1, 2004

MOVE OVER LAW

([MCL 257.2](#)) Adds road service vehicles to the authorized emergency vehicles for which motorists must move over one lane or slow down per MCL 257.653a, and provides a definition. Effective: June 2, 2004

SIGNAL PREEMPTION DEVICES

([MCL 257.616a](#)) Adds a new section to the Motor Vehicle Code prohibiting the buying, selling, possession, or use of a portable signal preemption device, which is a device capable of remotely changing a traffic light out of sequence. Effective: June 14, 2004

HANDICAPPED PARKING ENFORCEMENT

([MCL 257.675d](#)) Allows volunteers working for law enforcement agencies to employ volunteers to enforce handicapped parking law, to allow them to also issue citations for violators who parked in a clearly identified access aisle or access lane that is immediately adjacent to a space designated for parking by people with disabilities, as defined in MCL 257.674. Effective: April 1, 2004

COUNTERFEIT I.D. CARD PENALTIES

([MCL 28.295](#)) Increases penalties for reproducing, altering, counterfeiting, forging or duplicating Michigan personal identification card. Effective: September 1, 2004

MOTORCYCLE PLATE EXPIRATION

([MCL 257.226](#)) After February 1, 2005, motorcycle license plate expiration dates will change from March 31 to the owner's birthday. Effective: June 23, 2004

HAZARDOUS MATERIAL TRANSPORT

([MCL 480.17c](#)) Changes penalties for improper transportation of hazardous materials from misdemeanor to civil infraction unless the violation was intentional or causes injury. Effective: June 24, 2004

SCHOOL BUSES

([MCL 257.1815](#), [257.1817](#), [257.1819](#), [257.1855](#)) Amends the Pupil Transportation Act to revise the number and color of signal lights on school buses; requires compliance with federal and state safety standards. Changes certain requirements for discharging pupils. Effective: July 21, 2004

Criminal Law

MOVIE THEATER RECORDINGS

([MCL 750.465a](#), [600.2917a](#)) Prohibits and provides penalties for operation of audiovisual recording function of a device in motion picture exhibition facilities (movie theaters). Permits theater owners and their employees to detain individuals who are violating this Act pending the arrival of a police officer. Effective: March 15, 2005

VULNERABLE ADULT ABUSE

([MCL 750.316](#)) Includes penalties for wrongful death as result of vulnerable adult abuse as felony murder. Effective: June 11, 2004

VULNERABLE ADULT TRUSTEE

([MCL 750.174a](#)) Clarifies definition of "persons in a relationship of trust with a vulnerable adult" for embezzlement purposes to include any person who knows or has reason to know that the person is a vulnerable adult. Effective: September 1, 2004

MINOR IN POSSESSION OF ALCOHOL

([MCL 436.1703](#)) Clarifies definition of minor in possession as presence of alcohol in the body greater than .02 and modifies penalties for minors in possession. Effective: September 1, 2004

FALSE CRIME REPORT

([MCL 750.411a](#)) Revises prohibition against making false crime reports to peace officer, state or local police agency, to include a 9-1-1 operator or government employee authorized to receive crime report. Prohibits "causing" a false bomb threat (i.e. leaving a note in a conspicuous place, but not actually calling in the threat). Effective: July 1, 2004

ANTI-HAZING ACT

([MCL 750.411t](#)) Establishes Anti-hazing Act prohibiting hazing at an educational institution. The Act defines hazing as: an intentional, knowing, or reckless act by a person acting alone or with others that is directed against an individual and that endangers the physical health or safety of the individual, done for the purpose of pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization. Effective: August 18, 2004

VOYEUR PICTURES

([MCL 750.539j](#)) Prohibits recording a visual image of undergarments, genitalia, buttocks or female breasts under circumstances in which the individual would have a reasonable expectation of privacy. Effective: September 1, 2004

VIDEO EAVESDROPPING

([MCL 750.539d](#)) Prohibits and provides penalties for secretly observing, recording or capturing images of an unclad person or a person in his or her undergarments. Effective: September 1, 2004

DRUG ADULTERATION PENALTIES (penal code violation)

([MCL 750.16 and 750.18](#)) Increases penalties for knowingly or recklessly adulterating drugs or medicine. Effective: October 5, 2004

DRUG ADULTERATION PENALTIES (public health code violation)

([MCL 333.17764](#)) Enhances penalty for adulterating, misbranding or substituting a drug or device with the intent to defraud knowing or intending that the drug or device be used. Effective: October 5, 2004

RESEARCH PROPERTY DAMAGE

([MCL 750.395](#)) Creates a statute specific offense of damaging or destroying research property or research. Effective: April 1, 2005

Identity Theft

Please refer to the Training Division Legal Update for more information on the Identity Theft Protection Act.

IDENTITY THEFT PROTECTION

([MCL 445.61 – 445.77](#)) Creates Identity Theft Protection Act. Effective: March 1, 2005

IDENTITY THEFT JURISDICTION

([MCL 762.10c](#)) The crime of Identity Theft may be investigated and prosecuted in any of the following jurisdictions; the jurisdiction in which the offense occurred, the jurisdiction in which the information used to commit the violation was illegally used, or the jurisdiction in which the victim resides. Effective: March 1, 2005

SOCIAL SECURITY NUMBER PRIVACY

([MCL 445.81 – 445.87](#)) Establishes the Social Security Number Privacy Act and provides penalties and remedies for violations of the Act. Effective: March 1, 2005

ID THEFT VICTIM RIGHTS

([PA 456](#)) Establish the right of victim of identity theft to obtain police report of identity theft from a law enforcement agency that fits any of the categories in MCL 762.10c. Effective: March 1, 2005

ELECTRONIC SURVEILLANCE

([MCL 750.539k](#)) Prohibit capturing certain personal identifying information from a financial transaction device surreptitiously. Effective: March 1, 2005

CREDIT CARD RECEIPTS

([MCL 445.93](#)) Prohibits expiration date and full account number from being printed on a credit card receipt. Effective: March 1, 2005

Sex Offender Registry

SEX OFFENDER REGISTRATION FEE

([MCL 28.724 et seq](#)) Requires a registered sex offender to pay a one-time registration fee of \$35. Effective: October 16, 2004

SEX OFFENDER PHOTO

([MCL 28.728](#)) Requires photo of convicted sex offender to be displayed on public sex offender registry (web site). Effective: May 1, 2005

SEX OFFENDER REGISTRATION

([MCL 762.11 et seq.](#)) Eliminates sex offender registration requirements for individuals assigned to youthful trainee status after October 1, 2004 if they complete their trainee status. Effective: October 1, 2004

JUVENILE SEX OFFENDERS

([MCL 28.722 et seq.](#)) Revises sex offender registration requirements for individuals convicted as a juvenile for committing criminal sexual conduct. Effective: October 1, 2004

Weapons Laws

MOLOTOV COCKTAILS

([MCL 750.211a](#)) Prohibit possession of certain explosive or combustible substance devices, commonly known as a Molotov Cocktail. Effective: April 1, 2005

ANTIQUE FIREARM LICENSING

(MCL [28.432](#), [28.429](#), [28.422](#)) Exempts black powder pistols from permit to purchase and safety inspection requirements. Effective: May 13, 2004

PISTOL CARRYING PERMISSION

(MCL [324.43510](#)) Allows a person to carry a pistol in an area frequented by game if individual has, or is exempt from having, a concealed weapon permit. Effective: June 3, 2004

WEAPON LICENSE LANGUAGE

([MCL 28.425j](#)) Provides for and limits uniform language on certificate of completion for a concealed weapons license. Effective: July 23, 2004

Miscellaneous

POLICE OFFICER MEMORIAL DAY

([PA 438](#)) Establishes "Police Officer Memorial Day" on May 15 of each year. Effective: December 16, 2004

MACKINAC TOLL PENALTY

([MCL 254.322](#)) Create a violation and provide for penalties for failing to stop and pay toll when crossing the Mackinac Bridge. Effective: September 23, 2004

9-1-1 DATABASE USE

([MCL 484.1317](#) and [484.1602](#)) Allow public safety agencies access to 9-1-1 database in emergencies. Allows alternate uses for 9-1-1 databases to allow emergency service responders to contact service users within a specific geographic area (reverse 9-1-1). Effective: December 30, 2004

SNOWMOBILE EQUIPMENT

([MCL 324.82131](#)) Amends the Natural Resources and Environmental Protection Act to specifically prohibit colored lens caps on snowmobile headlights, except on snowmobiles 25 years old or older. Effective: March 22, 2004

VIDEO TESTIMONY DURING PRELIMINARY EXAMINATION

([MCL 766.11a](#)) Adds a new section to the Code of Criminal Procedure to allow for the testimony of a witness in a preliminary examination to be conducted by telephone, voice, or video conferencing. Effective: March 4, 2004

MACKINAC ISLAND PARK DESTRUCTION

([MCL 324.76505](#), [324.76507](#), and [324.76507a](#)) Establishes penalties for destruction to vegetation or property in Mackinac Island State Park. Effective July 1, 2004