



# THE DOCKET

The Newsletter of the Michigan Association of District Court Magistrates

Fall, 2005

## 2005 MADCM CONFERENCE

### 2005 MADCM Annual

**Conference** by *Dennis Hall, Magistrate,*  
*74<sup>th</sup> District Court and Conference Chair*

The 2005 Michigan Association of District Court Magistrates annual conference will be held at the Holiday Inn West Bay located on the shores of beautiful West Grand Traverse Bay, Traverse City, Michigan, where the blue waters and lovely vistas help create the perfect mood for a productive and relaxing experience.

Conference dates are September 21<sup>st</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> (Wednesday, Thursday and Friday). Registration packets have been previously mailed to everyone. If you did not get one, call Charlie Pope.

Registration for the conference will begin at 4:00pm Wednesday, September 21, with the general meeting beginning at 6:00pm.

For room reservations, please call the Holiday Inn directly at 1-800-888-8020 and identify yourself as a MADCM member for the special rate of \$89.00 per night, plus tax for a standard room. Hotel will not hold our block of rooms after August 21<sup>st</sup>.

### Legislation of Interest by *Tom Bleau, President, MADCM.*

PA 1 of 2005, creates a civil infraction with \$10.00 fine for selling goods on a public right of way without a license.

SB 311-312 requires insurance companies to notify SOS of expiration or termination of car insurance. Requires SOS to create registry of insured drivers.

SB 313-314 requires all passengers under 16 to be seat belted. (Change from current law which exempts minors if more minors than seatbelts)

SB 345 creates civil infraction for leaving a vehicle unattended with engine running

SB 297 motorcycle no helmet law - passed Senate

HB 4160 increases small claims limit to \$10,000. This is unanimously opposed by vote of Judicial Conference Executive Committee of State Bar on 2/18/05.

### **State Civil Infractions.** *From materials provided by SCAO.*

The list is growing longer of those items that are now state civil infractions outside of the vehicle code.

Most of these will probably be seen by magistrates from time to time. A complete list can be obtained from Sandra Hartnell.

Most of these have been around for some time, but the latest editions are in the Department of Agriculture area concerning violations of plant quarantine issues and the like.

### **Driver Responsibility Update,** *by Sandy Aguirre and Peggy Leece, SOS.*

As of May 31, there were 336,287 assessments sent to Treasury totaling \$127,533,600. Treasury has actually collected \$43,372,512.11 (or 34.0%). DR suspensions for approximately 250,000 drivers will be mailed beginning October 1, 2005.

### **Abandoned Vehicle Summary,** *by Sandy Aguirre and Peggy Leece, SOS.*

Effective October 1, 2005, law enforcement and towing agencies will partner with the Michigan Department of State (MDOS) to expedite the abandoned vehicle removal and notification process. The process will look something like this:

If the vehicle is abandoned on public property (18-48 hours), law enforcement or their designee may tag the vehicle for removal and/or

arrange for a tow. If the vehicle is abandoned on private property, the property owner may arrange for immediate removal of the vehicle.

Once a vehicle is towed and taken into custody, law enforcement conducts a stolen vehicle check and within 24 hours notifies MDOS via LEIN that a vehicle has been abandoned.

Within 7 days, MDOS will make information available on the new abandoned vehicle website and send a notice and court petition to the last titled owner and a notice to any secured party on record that their vehicle has been reported abandoned. A pre-printed Bill of Sale/Ownership Transfer (TR-52) document will be sent to law enforcement.

The owner has 20 days from the date on the notice to redeem the vehicle or file an appeal. If the vehicle is not redeemed and there is no appeal within 20 days, law enforcement (if abandoned on public property) or the custodian (if abandoned on private property) may offer the vehicle for sale at a public auction.

If the vehicle is redeemed or sold at auction, the custodian and law enforcement will notify MDOS of the disposition. MDOS will update the new abandoned vehicle website and process an EFT from the custodian in the amount of \$25.00 (new abandoned vehicle fee \$40.00, the remaining \$15.00 goes to the tower).

If the vehicle has been deemed scrap or ownership of the vehicle is transferred to the custodian to cover their costs, the disposition will be reported, updated to the website and no fee will be collected.

In addition to establishing an abandoned vehicle website and notifying vehicle owners, MDOS will modify title documents on the proper vehicle ownership transfer process and insert

Upon receipt of a court abstract that a vehicle owner did not comply with their civil judgment for “Failure to redeem Abandoned Vehicle” or “Failure to Show Proof of Vehicle Sale”, MDOS will indefinitely suspend the license until payment is made.

information into all registration renewal and title mailings about new abandoned vehicle civil infractions and penalties.

**Letter of the Month**, *submitted by Cindy Cope, Magistrate, 96<sup>th</sup> District Court.*

No one has submitted interesting or funny letters in some time, but from the north country, one finally has come in. If you get an interesting or funny letter - please send it on and the best will appear in this column each issue.

“I really think \$10.00 should go to the judges retirement fund and \$100.00 to the conservation officer’s salaries. We need more officers active in the field, not rich, lazy magistrates. R.W.”

Cindy noted this was a DNR ticket and added a note at the bottom - I know we are lazy, but rich?!?!??.