

**SUBSTITUTE FOR
HOUSE BILL NO. 5364**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 240, 252a, 252b, 252c, 252d, 252e, 252f, 252g, and 907 (MCL 257.240, 257.252a, 257.252b, 257.252c, 257.252d, 257.252e, 257.252f, 257.252g, and 257.907), section 240 as amended by 1999 PA 267, section 252a as amended by 2002 PA 649, sections 252b and 252c as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, section 252d as amended by 2000 PA 76, and section 907 as amended by 2004 PA 62, and by adding sections 252h, 252i, 252j, 252k, and 252l.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 240. (1) The owner of a motor vehicle who has made a
2 bona fide sale by transfer of his or her title or interest and
3 who has delivered possession of the vehicle and the certificate
4 of title ~~thereto~~ **to that vehicle** properly endorsed to the

1 purchaser or transferee ~~shall~~ is not ~~be~~ liable for any
2 damages or a violation of law ~~thereafter resulting~~ that
3 subsequently results from the use or ownership of the vehicle by
4 another, if the owner, other than a licensed dealer, satisfies
5 the conditions prescribed under subsection (2).

6 (2) The owner of a motor vehicle, other than a licensed
7 dealer, shall satisfy 1 of the following conditions:

8 (a) Accompany the purchaser of the vehicle to a secretary of
9 state branch office to assure that the title of the vehicle being
10 sold is transferred.

11 (b) Maintain a record of the sale for not less than 3 years.
12 As used in this subdivision, "record of the sale" means either a
13 photocopy of the reassigned title or a form or document that
14 includes the name, address, driver license number, and signature
15 of the person to whom the vehicle is sold and the purchase price
16 and date of sale of the vehicle.

17 (3) A person who violates subsection (2) is responsible for a
18 civil infraction and shall be ordered to pay a civil fine of
19 \$100.00.

20 (4) A person who violates subsection (2) is presumed to be
21 the last titled owner and to be liable for towing fees and daily
22 storage fees for an abandoned motor vehicle.

23 Sec. 252a. (1) A person shall not abandon a vehicle in this
24 state. It is presumed that the last titled owner of the vehicle
25 is responsible for abandoning the vehicle unless the person
26 provides a record of sale as that term is defined in section
27 240. A person who violates this subsection and who fails to

1 redeem the vehicle before disposition of the vehicle under
2 section 252g is responsible for a civil infraction and shall be
3 ordered to pay a civil fine of \$100.00.

4 (2) ~~(1)~~ As used in this section ~~—, abandoned—~~ and sections
5 252a through 252k:

6 (a) "Abandoned vehicle" means a vehicle that has remained on
7 public property or private property for a period of ~~—48—~~ not less
8 than 24 hours ~~—~~ after a police agency or other governmental
9 agency designated by the police agency has affixed a written
10 notice to the vehicle or on a state trunk line highway, as that
11 term is described in section 1 of 1951 PA 51, MCL 247.651, as
12 follows:

13 (i) ~~(a)~~ If a valid registration plate is affixed to the
14 vehicle, for a period of 18 hours.

15 (ii) ~~(b)~~ If a valid registration plate is not affixed to
16 the vehicle.

17 (b) "Last titled owner" or "owner" means the owner of a
18 vehicle under section 240 and includes the lessee of a vehicle.

19 (3) ~~(2)~~ If a vehicle has remained on public or private
20 property for a period of time so that it appears to the police
21 agency to be abandoned, the police agency shall do all of the
22 following:

23 (a) Determine if the vehicle has been reported stolen.

24 (b) Affix a written notice to the vehicle. The written
25 notice shall contain the following information:

26 (i) The date and time the notice was affixed.

27 (ii) The name and address of the police agency taking the

1 action.

2 (iii) The name and badge number of the police officer
3 affixing the notice.

4 (iv) The date and time the vehicle may be taken into custody
5 and stored at the owner's expense or scrapped if the vehicle is
6 not removed.

7 (v) The year, make, and vehicle identification number of the
8 vehicle, if available.

9 (4) ~~-(3)-~~ If the vehicle is an abandoned vehicle, the police
10 agency may have the vehicle taken into custody.

11 (5) ~~-(4)-~~ A police agency that has a vehicle taken into
12 custody **and a police agency that is notified of a vehicle that**
13 **has been removed from private property as prescribed under**
14 **section 252c** shall do all of the following:

15 (a) Recheck to determine if the vehicle has been reported
16 stolen.

17 (b) Within 24 hours after taking the vehicle into custody **or**
18 **being notified as prescribed under section 252c**, enter the
19 vehicle as abandoned into the law enforcement information
20 network.

21 (c) Within 7 days after taking the vehicle into custody **or**
22 **being notified as prescribed under section 252c**, send to the
23 ~~registered~~ **last titled** owner and secured party, as shown by the
24 records of the secretary of state, by first-class mail or
25 personal service, notice that the vehicle is considered
26 abandoned. The form for the notice shall be furnished by the
27 secretary of state. Each notice form shall contain the following

1 information:

2 (i) The year, make, and vehicle identification number of the
3 vehicle if available.

4 (ii) The location from which the vehicle was taken into
5 custody.

6 (iii) The date on which the vehicle was taken into custody.

7 (iv) The name and address of the police agency that had the
8 vehicle taken into custody.

9 (v) The business address of the custodian of the vehicle.

10 (vi) The procedure to redeem the vehicle.

11 (vii) The procedure to contest the fact that the vehicle is
12 considered abandoned or, **unless the towing fees and daily storage**
13 **fees are established by contract with the local governmental unit**
14 **or local law enforcement agency,** the reasonableness of the towing
15 fees and daily storage fees.

16 (viii) A form petition that the owner may file in person or
17 by mail with the specified court that requests a hearing on the
18 police agency's action.

19 (ix) A warning that the failure to redeem the vehicle or to
20 request a hearing ~~within~~ **not more than** 20 days after the date
21 of the notice may result in the sale of the vehicle and the
22 termination of all rights of the owner and the secured party to
23 the vehicle or the proceeds of the sale.

24 (6) ~~(5)~~ The ~~registered~~ owner may contest the fact that
25 the vehicle is considered abandoned or, **unless the towing fees**
26 **and daily storage fees are established by contract with the local**
27 **governmental unit or local law enforcement agency,** the

1 reasonableness of the towing fees and daily storage fees by
2 requesting a hearing. A request for a hearing shall be made by
3 filing a petition with the court specified in the notice
4 **described in subsection (5)(c)** within 20 days after the date of
5 the notice. If the owner requests a hearing, the matter shall be
6 resolved after a hearing conducted under sections 252e and 252f.
7 An owner who requests a hearing may obtain release of the vehicle
8 by posting a towing and storage bond in an amount equal to the
9 accrued towing **fees** and storage fees with the court. The owner
10 of a vehicle who requests a hearing may obtain release of the
11 vehicle by paying the towing **fees** and storage fees instead of
12 posting the towing and storage bond. If the court finds that the
13 vehicle was not properly considered abandoned, the police agency
14 shall reimburse the owner of the vehicle for the accrued towing
15 **fees** and storage fees.

16 (7) ~~-(6)-~~ If the owner does not request a hearing **under**
17 **subsection (6)**, he or she may obtain the release of the vehicle
18 by paying the accrued charges to the custodian of the vehicle.

19 (8) ~~-(7)-~~ If the owner does not redeem the vehicle or request
20 a hearing within 20 days after the date of the notice **described**
21 **in subsection (5)(c)**, the secured party may obtain the release of
22 the vehicle by paying the accrued charges to the custodian of the
23 vehicle and the police agency for its accrued costs.

24 (9) ~~-(8)-~~ Not less than 20 days after the disposition of the
25 hearing described in subsection ~~-(5)-~~ **(6)** or, if a hearing is not
26 requested, not less than 20 days after the date of the notice,
27 the police agency shall offer the vehicle for sale at a public

1 sale ~~pursuant to~~ **under** section 252g.

2 **(10)** ~~(9)~~ If the ownership of a vehicle that is considered
3 abandoned under this section cannot be determined either because
4 of the condition of the vehicle identification numbers or because
5 a check with the records of the secretary of state does not
6 reveal ownership, the police agency may sell the vehicle at
7 public sale ~~pursuant to~~ **under** section 252g ~~—~~ not less than 30
8 days after public notice of the sale has been published.

9 Sec. 252b. (1) As used in this section:

10 (a) "Registered abandoned scrap vehicle" means a vehicle
11 ~~which~~ **that** meets all of the following requirements:

12 (i) Is on public or private property.

13 (ii) Is 7 or more years old.

14 (iii) Is apparently inoperable or is extensively damaged, to
15 the extent that the cost of repairing the vehicle so that it is
16 operational and safe as required by section 683 would exceed the
17 fair market value of that vehicle.

18 (iv) Is currently registered in the state of Michigan or
19 displays current year registration plates from another state.

20 (v) Is not removed within ~~48~~ **24** hours after a written
21 notice as described in section ~~252a(2)(b)~~ **252a(3)(b)** is affixed
22 to the vehicle.

23 (b) "Unregistered abandoned scrap vehicle" means a vehicle
24 which meets all of the following requirements:

25 (i) Is on public or private property.

26 (ii) Is 7 or more years old.

27 (iii) Is apparently inoperable or is extensively damaged, to

1 the extent that the cost of repairing the vehicle so that it is
2 operational and safe as required by section 683, would exceed the
3 fair market value of that vehicle.

4 (iv) Is not currently registered in this state and does not
5 display current year registration plates from another state.

6 (v) Is not removed within ~~48~~ 24 hours after a written
7 notice as described in section ~~252a(2)(b)~~ 252a(3)(b) is affixed
8 to the vehicle.

9 (2) A police agency may **immediately** have an unregistered
10 abandoned scrap vehicle taken into custody, in which case the
11 police agency shall do all of the following:

12 (a) Determine if the vehicle has been reported stolen.

13 (b) Take 2 photographs of the vehicle.

14 (c) Make a report to substantiate the vehicle as an
15 unregistered abandoned scrap vehicle. The report shall contain
16 the following information:

17 (i) The year, make, and vehicle identification number if
18 available.

19 (ii) The date of abandonment.

20 (iii) The location of abandonment.

21 (iv) A detailed listing of the damage or the missing
22 equipment.

23 (v) The reporting officer's name and title.

24 (vi) The location where the vehicle is being held.

25 (d) Within 24 hours after taking the vehicle into custody,
26 enter the vehicle into the law enforcement information network.

27 (3) Within 24 hours, excluding Saturday, Sunday, and legal

1 holidays, after taking the vehicle into custody, the police
2 agency shall complete a release form and release the vehicle to
3 the towing service or a used vehicle parts dealer or vehicle
4 scrap metal processor, who shall then transmit that release form
5 to the secretary of state and apply for a certificate of the
6 title or a certificate of scrapping. Upon receipt of the release
7 form and application, the secretary of state shall issue a
8 certificate of title or a certificate of scrapping.

9 (4) The release form described in subsection (3) shall be
10 furnished by the secretary of state and shall include a
11 certification executed by the applicable police agency when the
12 abandoned scrap vehicle is released. The certification shall
13 state that the police agency has complied with all the
14 requirements of subsection (2)(b) and (c).

15 (5) The secretary of state shall retain the records relating
16 to an abandoned scrap vehicle for not less than 2 years. The 2
17 photographs taken pursuant to subsection (2)(b) shall be retained
18 by the police agency for not less than 2 years. After the
19 certificate of scrapping has been issued, a certificate of title
20 for the vehicle shall not be issued again.

21 (6) A police agency may have a registered abandoned scrap
22 vehicle taken into custody, in which case the police agency shall
23 do all of the following:

24 (a) Determine if the vehicle has been stolen.

25 (b) Take 2 photographs of the vehicle.

26 (c) Make a report to substantiate the vehicle as a registered
27 abandoned scrap vehicle. The report shall contain the following

1 information:

2 (i) The year, make, and vehicle identification number if
3 available.

4 (ii) The date of abandonment.

5 (iii) The location of abandonment.

6 (iv) A detailed listing of the damage or the missing
7 equipment.

8 (v) The reporting officer's name and title.

9 (vi) The location where the vehicle is being held.

10 (d) Within 24 hours after taking the vehicle into custody,
11 enter the vehicle into the law enforcement information network.

12 (e) Within 7 days after taking the vehicle into custody, send
13 to the ~~registered~~ **last titled** owner and secured party, as shown
14 by the records of the secretary of state, by first-class mail or
15 personal service, notice that the vehicle has been deemed
16 abandoned. The form for the notice shall be furnished by the
17 secretary of state. Each notice form shall contain the following
18 information:

19 (i) The year, make, and vehicle identification number of the
20 vehicle if available.

21 (ii) The location from which the vehicle was taken into
22 custody.

23 (iii) The date on which the vehicle was taken into custody.

24 (iv) The name and address of the police agency which had the
25 vehicle taken into custody.

26 (v) The business address of the custodian of the vehicle.

27 (vi) The procedure to redeem the vehicle.

1 (vii) The procedure to contest the fact that the vehicle has
2 been deemed abandoned or, **unless the towing fees and daily**
3 **storage fees are established by contract with the local**
4 **governmental unit or local law enforcement agency,** the
5 reasonableness of the towing fees and daily storage fees.

6 (viii) A form petition ~~which~~ **that** the owner may file in
7 person or by mail with the specified court ~~which~~ **that** requests
8 a hearing on the police agency's action.

9 (ix) A warning that the failure to redeem the vehicle or to
10 request a hearing ~~within~~ **not more than** 20 days after the date
11 of the notice may result in the termination of all rights of the
12 owner and the secured party to the vehicle.

13 (7) The ~~registered~~ **last titled** owner of a registered
14 abandoned scrap vehicle may contest the fact that the vehicle has
15 been deemed abandoned or, **unless the towing fees and daily**
16 **storage fees are established by contract with the local**
17 **governmental unit or local law enforcement agency,** the
18 reasonableness of the towing fees and daily storage fees by
19 requesting a hearing. A request for a hearing shall be made by
20 filing a petition with the court specified in the notice ~~within~~
21 **not more than** 20 days after the date of the notice **described in**
22 **subsection (6)(e).** If the owner requests a hearing, the matter
23 shall be resolved after a hearing conducted ~~pursuant to~~ **under**
24 sections 252e and 252f. An owner who requests a hearing may
25 obtain release of the vehicle by posting a towing and storage
26 bond with the court in an amount as determined by the court. The
27 owner of a vehicle who requests a hearing may obtain release of

1 the vehicle by paying the towing **fees** and storage fees instead of
2 posting the towing and storage bond. If the court finds that the
3 vehicle was not properly deemed abandoned, the police agency
4 shall reimburse the owner of the vehicle for the accrued towing
5 **fees** and storage fees.

6 (8) If the owner does not request a hearing **under subsection**
7 **(7)**, he or she may obtain the release of the vehicle by paying
8 the accrued ~~charges~~ **towing fees and storage fees** to the
9 custodian of the vehicle.

10 (9) If the owner does not redeem the vehicle or request a
11 hearing within 20 days after the date of the notice **described in**
12 **subsection (6)(e)**, the secured party may obtain the release of
13 the vehicle by paying the accrued ~~charges~~ **towing fees and**
14 **storage fees** to the custodian of the vehicle **within 7 days**.

15 (10) Not less than 20 days after the disposition of the
16 hearing described in subsection (7), or if a hearing is not
17 requested, not less than 20 days after the date of the notice
18 described in subsection (6)(e), the police agency shall follow
19 the procedures established in subsections (3) to (5).

20 Sec. 252c. (1) ~~When a~~ **A vehicle is shall only be**
21 removed from private property at the direction of ~~a person other~~
22 ~~than~~ the ~~registered~~ **last titled** owner of the vehicle or a
23 police agency ~~, the~~ **or upon the written instruction of the**
24 **owner or person in charge of the private property upon which the**
25 **vehicle is located. The** custodian of the vehicle ~~immediately~~
26 shall notify the police agency from whose jurisdiction the
27 vehicle was towed **not more than 60 minutes after completing the**

1 **towing or removal of the vehicle.** The custodian of the vehicle
2 shall supply ~~that~~ **the** information ~~which~~ **that** is necessary for
3 the police agency to enter the vehicle into the law enforcement
4 information network.

5 (2) If the owner or other person who is legally entitled to
6 possess the vehicle arrives at the location where a vehicle is
7 located before the actual towing or removal of the vehicle, the
8 vehicle shall be disconnected from the tow truck, and the owner
9 or other person who is legally entitled to possess the vehicle
10 may take possession of the vehicle and remove it without
11 interference upon the payment of the reasonable service fee, for
12 which a receipt shall be provided.

13 (3) ~~(2)~~ Upon receipt of the notification described in
14 subsection (1), the police agency ~~immediately~~ shall do all of
15 the following:

16 (a) ~~Determine~~ **Immediately determine** if the vehicle has been
17 reported stolen.

18 (b) ~~Enter~~ **Not more than 24 hours after receipt of**
19 **notification described under subsection (1), enter** the vehicle
20 into the law enforcement information network.

21 (4) ~~(3)~~ The owner of the vehicle removed as described in
22 subsection (1) may obtain release of the vehicle by paying the
23 accrued towing and storage fees to the custodian of the vehicle,
24 ~~Upon~~ **who upon** release of the vehicle ~~, the custodian~~ shall
25 notify the police agency of the disposition of the vehicle.

26 (5) ~~(4)~~ If the vehicle described in subsection (1) is not
27 claimed by the owner within 7 days after the police agency has

1 been notified by the custodian **of the vehicle** that it has been
2 taken into custody, the vehicle is deemed abandoned and the
3 procedures prescribed in section ~~252a(4)(e) to (9)~~ shall
4 **252a(5)(c) to (10)** apply.

5 Sec. 252d. (1) A police agency or a governmental agency
6 designated by the police agency may provide for the immediate
7 removal of a vehicle from public or private property to a place
8 of safekeeping at the expense of the ~~registered~~ **last titled**
9 owner of the vehicle in any of the following circumstances:

10 (a) If the vehicle is in such a condition that the continued
11 operation of the vehicle upon the highway would constitute an
12 immediate hazard to the public.

13 (b) If the vehicle is parked or standing upon the highway in
14 such a manner as to create an immediate public hazard or an
15 obstruction of traffic.

16 (c) If a vehicle is parked in a posted tow away zone.

17 (d) If there is reasonable cause to believe that the vehicle
18 or any part of the vehicle is stolen.

19 (e) If the vehicle must be seized to preserve evidence of a
20 crime, or ~~when~~ **if** there is reasonable cause to believe that the
21 vehicle was used in the commission of a crime.

22 (f) If removal is necessary in the interest of public safety
23 because of fire, flood, storm, snow, natural or man-made
24 disaster, or other emergency.

25 (g) If the vehicle is hampering the use of private property
26 by the owner or person in charge of that property or is parked in
27 a manner ~~which~~ **that** impedes the movement of another vehicle.

1 (h) If the vehicle is stopped, standing, or parked in a space
2 designated as parking for persons with disabilities and is not
3 permitted by law to be stopped, standing, or parked in a space
4 designated as parking for persons with disabilities.

5 (i) If the vehicle is located in a clearly identified access
6 aisle or access lane immediately adjacent to a space designated
7 as parking for persons with disabilities.

8 (j) If the vehicle is interfering with the use of a ramp or a
9 curb-cut by persons with disabilities.

10 **(2) If the owner or other person who is legally entitled to**
11 **possess the vehicle arrives at the location where a vehicle is**
12 **located before the actual towing or removal of the vehicle, the**
13 **vehicle shall be disconnected from the tow truck, and the owner**
14 **or other person who is legally entitled to possess the vehicle**
15 **may take possession of the vehicle and remove it without**
16 **interference upon the payment of the reasonable service fee, for**
17 **which a receipt shall be provided.**

18 **(3) ~~(2)~~ A police agency ~~which~~ that** authorizes the removal
19 of a vehicle under subsection (1) shall do all of the following:

20 (a) Check to determine if the vehicle has been reported
21 stolen.

22 (b) Within 24 hours after removing the vehicle, enter the
23 vehicle into the law enforcement information network if the
24 vehicle has not been redeemed. This subdivision does not apply
25 to a vehicle that is removed from the scene of a motor vehicle
26 traffic accident.

27 (c) If the vehicle has not been redeemed within 10 days after

1 moving the vehicle, send to the ~~registered~~ **last titled** owner
2 and the secured party as shown by the records of the secretary of
3 state, by first-class mail or personal service, a notice that the
4 vehicle has been removed. ~~;~~ ~~however~~ **However**, if the police
5 agency ~~informs~~ **notifies** the owner or operator of the vehicle of
6 the removal and the location of the vehicle within 24 hours after
7 the removal, and if the vehicle has not been redeemed within 30
8 days and upon complaint from the towing service, the police
9 agency shall send the notice ~~within~~ **not more than** 30 days after
10 the ~~removal~~ **vehicle is removed**. The notice shall be by a form
11 ~~furnished~~ **provided** by the secretary of state. The notice form
12 shall contain the following information:

13 (i) The year, make, and vehicle identification number of the
14 vehicle.

15 (ii) The location from which the vehicle was taken into
16 custody.

17 (iii) The date on which the vehicle was taken into custody.

18 (iv) The name and address of the police agency ~~which~~ **that**
19 had the vehicle taken into custody.

20 (v) The location where the vehicle is being held.

21 (vi) The procedure to redeem the vehicle.

22 (vii) The procedure to contest the fact that the vehicle was
23 properly removed or, **unless the towing fees and daily storage**
24 **fees are established by contract with the local governmental unit**
25 **or local law enforcement agency**, the reasonableness of the towing
26 and daily storage fees.

27 (viii) A form petition ~~which~~ **that** the owner may file in

1 person or by mail with the specified court that requests a
2 hearing on the police agency's action.

3 (ix) A warning that the failure to redeem the vehicle or to
4 request a hearing ~~within~~ **not more than** 20 days after the date
5 of the notice may result in the sale of the vehicle and the
6 termination of all rights of the owner and the secured party to
7 the vehicle or the proceeds of the sale or to both the vehicle
8 and the proceeds.

9 (4) ~~(3)~~ The ~~registered~~ **last titled** owner may contest the
10 fact that the vehicle was properly removed or, **unless the towing**
11 **fees and daily storage fees are established by contract with the**
12 **local governmental unit or local law enforcement agency,** the
13 reasonableness of the towing fees and daily storage fees by
14 requesting a hearing. A request for a hearing shall be made by
15 filing a petition with the court specified in the notice ~~within~~
16 **not more than** 20 days after the date of the notice **described in**
17 **subsection (3)(c).** If the owner requests a hearing, the matter
18 shall be resolved after a hearing conducted ~~pursuant to~~ **under**
19 sections 252e and 252f. An owner who requests a hearing may
20 obtain release of the vehicle by posting a towing and storage
21 bond with the court in an amount equal to the accrued towing and
22 storage fees. The owner of a vehicle who requests a hearing may
23 obtain release of the vehicle by paying the towing and storage
24 fees instead of posting the towing and storage bond. If the
25 court finds that the vehicle was not properly removed, the police
26 agency shall reimburse the owner of the vehicle for the accrued
27 towing and storage fees.

1 (5) ~~-(4)-~~ If the owner does not request a hearing, he or she
2 may obtain the release of the vehicle by paying the accrued
3 charges to the custodian of the vehicle.

4 (6) ~~-(5)-~~ If the owner does not redeem the vehicle or request
5 a hearing within 20 days **of the date of the notice described in**
6 **subsection (3)(c)**, the secured party may obtain the release of
7 the vehicle by paying the accrued charges to the custodian of the
8 vehicle ~~prior to~~ **before** the date of the sale **within 7 days**.

9 (7) ~~-(6)-~~ Not less than 20 days after the disposition of the
10 hearing described in subsection ~~-(3)-~~ **(4)**, or if a hearing is not
11 requested, not less than 20 days after the date of the notice
12 described in subsection ~~-(2)(e)-~~ **(3)(c)**, the police agency shall
13 offer the vehicle for sale at a public sale unless the vehicle is
14 redeemed. The public sale shall be held ~~pursuant to~~ **under**
15 section 252g.

16 (8) ~~-(7)-~~ If the ownership of a vehicle that was removed
17 under this section cannot be determined either because of the
18 condition of the vehicle identification numbers or because a
19 check with the records of the secretary of state does not reveal
20 ownership, the police agency may sell the vehicle at public sale
21 ~~pursuant to~~ **under** section 252g ~~—~~ not less than 30 days after
22 public notice of the sale has been published.

23 Sec. 252e. (1) The following courts ~~shall~~ have
24 jurisdiction to determine if a police agency has acted properly
25 in processing a vehicle under section 252a, 252b(6) to (10),
26 252c, or 252d:

27 (a) The district court.

1 (b) A municipal court.

2 ~~(c) The common pleas court of the city of Detroit.~~

3 (2) The court specified in the notice prescribed in section
4 ~~252a(4)(e)~~ **252a(5)(c)**, 252b(6), ~~252e(4)~~ **252c(5)**, or
5 ~~252d(2)(e)~~ **252d(3)(c)** shall be the court ~~which has~~ **having**
6 territorial jurisdiction at the location from where the vehicle
7 was removed or deemed abandoned. Venue in the district court
8 shall be governed by section 8312 of ~~Act No. 236 of the Public~~
9 ~~Acts of 1961, as amended, being section 600.8312 of the Michigan~~
10 ~~Compiled Laws~~ **the revised judicature act of 1961, 1961 PA 236,**
11 **MCL 600.8312.**

12 (3) If the owner fails to pay the accrued towing and storage
13 fees, the towing and storage bond posted with the court to secure
14 release of the vehicle under section 252a, 252b, 252c, or 252d
15 shall be used to pay the towing and storage fees.

16 Sec. 252f. (1) Upon ~~receipt~~ **the filing** of a petition
17 prescribed in section 252a, 252b, 252c, or 252d, signed by the
18 owner of the vehicle ~~which~~ **that** has been taken into custody,
19 the court shall do both of the following:

20 (a) Schedule a hearing ~~within~~ **not more than 30 days after**
21 **the petition is filed** for the purpose of determining whether the
22 police agency acted properly.

23 (b) Notify the owner, ~~and the~~ **towing service, custodian of**
24 **the vehicle, and** police agency of the time and place of the
25 hearing.

26 (2) At the hearing specified in subsection (1) the police
27 agency ~~shall have~~ **has** the burden of showing by a preponderance

1 of the evidence that it has complied with the requirements of
2 this act in processing the abandoned vehicle or vehicle removed
3 ~~pursuant to~~ **under** section 252d.

4 (3) After the hearing the court shall make a decision ~~which~~
5 ~~shall include~~ **that includes** 1 or more of the following:

6 (a) A finding that the police agency complied with the
7 procedures established for the processing of an abandoned vehicle
8 or a vehicle removed under section 252d, and an order providing a
9 period of 20 days after the decision for the owner to redeem the
10 vehicle. If the owner does not redeem the vehicle within 20
11 days, the police agency shall dispose of the vehicle ~~pursuant~~
12 ~~to~~ **under** section 252b or 252g.

13 (b) A finding that the police agency did not comply with the
14 procedures established for the processing of an abandoned vehicle
15 or a vehicle removed ~~pursuant to~~ **under** section 252d. After
16 making such a finding, the court shall issue an order directing
17 that the vehicle immediately be released to the owner, and that
18 the police agency is responsible for the accrued towing and
19 storage charges.

20 (c) A finding that the towing **fees** and daily storage fees
21 were reasonable.

22 (d) A finding that the towing **fees** and daily storage fees
23 were unreasonable and issue an order directing an appropriate
24 reduction. **A finding shall not be made under this subdivision if**
25 **the towing fees and daily storage fees are established by**
26 **contract with the local governmental unit or local law**
27 **enforcement agency.**

1 Sec. 252g. (1) A public sale for a vehicle ~~which~~ **that** has
2 been deemed abandoned under section 252a or 252c or removed under
3 section 252d shall be conducted in the following manner:

4 (a) It shall be under the control of the police agency, ~~or~~
5 agent of the police agency, **custodian of the vehicle, or designee**
6 **of the custodian of the vehicle.**

7 (b) It shall be open to the public and consist of open
8 auction bidding or bidding by sealed bids. If sealed bids are
9 received, the person submitting the bid shall receive a receipt
10 for the bid from the police agency, ~~or~~ agent of the police
11 agency, **custodian of the vehicle, or designee of the custodian of**
12 **the vehicle.**

13 (c) Except as provided by sections ~~252a(9) and 252d(7)~~
14 **252a(10) and 252d(8)**, it shall be held not less than 5 days after
15 public notice of the sale has been published.

16 (d) The public notice shall be published at least once in a
17 newspaper having a general circulation within the county in which
18 the vehicle was abandoned. The public notice shall give a
19 description of the vehicle for sale and shall state the time,
20 date, and location of the sale.

21 (2) The money received from the public sale of the vehicle
22 shall be applied in the following order of priority:

23 (a) Towing **fees** and storage ~~charges~~ **fees and the actual**
24 **costs of providing public notice under subsection (1).**

25 (b) Expenses incurred by the police agency.

26 (c) To the secured party, if any, in the amount of the debt
27 outstanding on the vehicle.

1 (d) Remainder to the owner. A reasonable attempt shall be
2 made to mail the remainder to the ~~registered~~ **last titled**
3 owner. If delivery of the remainder cannot be accomplished, the
4 remainder shall become the property of the unit of government
5 ~~that the police agency represents~~ **governing the location from**
6 **which the vehicle was towed.**

7 (3) If there are no bidders on the vehicle, the police agency
8 may do 1 of the following:

9 (a) Turn the vehicle over to the towing firm to satisfy
10 charges against the vehicle. **However, if the value of the**
11 **vehicle does not satisfy the towing fees and accrued daily**
12 **storage fees, the custodian of the vehicle may collect the**
13 **balance of those unpaid fees from the last titled owner. In an**
14 **action to collect unpaid charges remaining after disposition of**
15 **the vehicle, the towing service or custodian of the vehicle, or**
16 **both, may recover their actual costs, including collection costs,**
17 **from the last titled owner of the vehicle. In no event shall a**
18 **contract between a police agency or its local unit of government**
19 **and a towing company include any provision in contravention of**
20 **this subdivision.**

21 (b) Obtain title to the vehicle for the police agency or the
22 unit of government ~~the police agency represents~~ **governing the**
23 **location from which the vehicle was towed, by doing both of the**
24 following:

25 (i) Paying the towing and storage charges.

26 (ii) Applying for title to the vehicle.

27 (c) Hold another public sale pursuant to subsection (1).

1 (4) A person who acquires ownership of a vehicle under
2 subsection (1) or (3), which vehicle has been designated as a
3 distressed vehicle, shall make application for a salvage
4 certificate of title ~~within~~ **not more than** 15 days after
5 obtaining the vehicle.

6 (5) Upon disposition of the vehicle, the police agency shall
7 cancel the entry into the law enforcement information network **and**
8 **may issue a citation for abandoning a vehicle under section**
9 **252a(1) to the last titled owner of the vehicle.**

10 **Sec. 252h. The failure to claim a vehicle deemed to be**
11 **abandoned under section 252a, 252b, or 252c, or removed under**
12 **section 252d, does not bar the recovery of actual cost from the**
13 **last titled owner by the towing firm or the custodian of the**
14 **vehicle, or both. For purposes of this section, it is presumed**
15 **that the last titled owner of the vehicle is the owner of the**
16 **vehicle.**

17 **Sec. 252i. Sections 252a, 252b, and 252c do not apply to a**
18 **vehicle that is owned by the same person who owns the private**
19 **real property on which the vehicle is located and do not prohibit**
20 **or preempt a local unit of government from regulating the number**
21 **and placement of vehicles on private property.**

22 **Sec. 252j. Except as otherwise provided in section 252k, an**
23 **owner or lessor of private real property shall post a notice that**
24 **meets all of the following requirements before authorizing the**
25 **towing or removal of a vehicle from the real property without the**
26 **consent of the owner or other person who is legally entitled to**
27 **possess the vehicle:**

1 (a) The notice shall be prominently displayed at a point of
2 entry for vehicular access to the real property. If the real
3 property lacks curbs or access barriers, not less than 1 notice
4 shall be posted for each 100 feet of road frontage.

5 (b) The notice clearly indicates in letters not less than 2
6 inches high on a contrasting background that unauthorized
7 vehicles will be towed away at the owner's expense.

8 (c) The notice provides the name and telephone number of the
9 towing service responsible for towing or removing vehicles from
10 that property.

11 (d) The notice is permanently installed with the bottom of
12 the notice located not less than 4 feet from the ground and is
13 continuously maintained on the property for not less than 24
14 hours before a vehicle is towed or removed.

15 Sec. 252k. Section 252j does not apply to either of the
16 following:

17 (a) Real property that is appurtenant to and obviously part
18 of a single- or dual-family residence.

19 (b) An instance when notice is personally given to the owner
20 or other legally entitled person in control of a vehicle that the
21 area where the vehicle is parked is reserved or otherwise
22 unavailable to unauthorized vehicles and that the vehicle is
23 subject to towing or removal from the private real property
24 without the consent of the owner or other legally entitled person
25 in control of the vehicle.

26 Sec. 252l. For a period of 1 year beginning on the effective
27 date of the amendatory act that added this section, the secretary

1 of state shall insert notification of the civil fines and
2 sanctions that may be imposed for the violation of sections 240
3 and 252a(1) into all mailings concerning driver license renewal
4 and registration documents.

5 Sec. 907. (1) A violation of this act, or a local ordinance
6 substantially corresponding to a provision of this act, that is
7 designated a civil infraction shall not be considered a lesser
8 included offense of a criminal offense.

9 (2) If a person is determined pursuant to sections 741 to 750
10 to be responsible or responsible "with explanation" for a civil
11 infraction under this act or a local ordinance substantially
12 corresponding to a provision of this act, the judge or district
13 court magistrate may order the person to pay a civil fine of not
14 more than \$100.00 and costs as provided in subsection (4).
15 However, for a violation of section 674(1)(s) or a local
16 ordinance substantially corresponding to section 674(1)(s), the
17 person shall be ordered to pay costs as provided in subsection
18 (4) and a civil fine of not less than \$100.00 or more than
19 \$250.00. For a violation of section 328, the civil fine ordered
20 under this subsection shall be not more than \$50.00. For a
21 violation of section 710d, the civil fine ordered under this
22 subsection shall not exceed \$10.00. For a violation of section
23 710e, the civil fine and court costs ordered under this
24 subsection shall be \$25.00. For a violation of section 682 or a
25 local ordinance substantially corresponding to section 682, the
26 person shall be ordered to pay costs as provided in subsection
27 (4) and a civil fine of not less than \$100.00 or more than

1 \$500.00. For a violation of section 240, the civil fine ordered
2 under this subsection shall be \$100.00. For a violation of
3 section 252a(1), the civil fine ordered under this subsection
4 shall be \$100.00. Permission may be granted for payment of a
5 civil fine and costs to be made within a specified period of time
6 or in specified installments, but unless permission is included
7 in the order or judgment, the civil fine and costs shall be
8 payable immediately.

9 (3) Except as provided in this subsection, if a person is
10 determined to be responsible or responsible "with explanation"
11 for a civil infraction under this act or a local ordinance
12 substantially corresponding to a provision of this act while
13 driving a commercial motor vehicle, he or she shall be ordered to
14 pay costs as provided in subsection (4) and a civil fine of not
15 more than \$250.00. If a person is determined to be responsible
16 or responsible "with explanation" for a civil infraction under
17 section 319g or a local ordinance substantially corresponding to
18 section 319g, that person shall be ordered to pay costs as
19 provided in subsection (4) and a civil fine of not more than
20 \$10,000.00.

21 (4) If a civil fine is ordered under subsection (2) or (3),
22 the judge or district court magistrate shall summarily tax and
23 determine the costs of the action, which are not limited to the
24 costs taxable in ordinary civil actions, and may include all
25 expenses, direct and indirect, to which the plaintiff has been
26 put in connection with the civil infraction, up to the entry of
27 judgment. Costs shall not be ordered in excess of \$100.00. A

1 civil fine ordered under subsection (2) or (3) shall not be
2 waived unless costs ordered under this subsection are waived.
3 Except as otherwise provided by law, costs are payable to the
4 general fund of the plaintiff.

5 (5) In addition to a civil fine and costs ordered under
6 subsection (2) or (3) and subsection (4) and the justice system
7 assessment ordered under subsection (14), the judge or district
8 court magistrate may order the person to attend and complete a
9 program of treatment, education, or rehabilitation.

10 (6) A district court magistrate shall impose the sanctions
11 permitted under subsections (2), (3), and (5) only to the extent
12 expressly authorized by the chief judge or only judge of the
13 district court district.

14 (7) Each district of the district court and each municipal
15 court may establish a schedule of civil fines, costs, and
16 assessments to be imposed for civil infractions that occur within
17 the respective district or city. If a schedule is established,
18 it shall be prominently posted and readily available for public
19 inspection. A schedule need not include all violations that are
20 designated by law or ordinance as civil infractions. A schedule
21 may exclude cases on the basis of a defendant's prior record of
22 civil infractions or traffic offenses, or a combination of civil
23 infractions and traffic offenses.

24 (8) The state court administrator shall annually publish and
25 distribute to each district and court a recommended range of
26 civil fines and costs for first-time civil infractions. This
27 recommendation is not binding upon the courts having jurisdiction

1 over civil infractions but is intended to act as a normative
2 guide for judges and district court magistrates and a basis for
3 public evaluation of disparities in the imposition of civil fines
4 and costs throughout the state.

5 (9) If a person has received a civil infraction citation for
6 defective safety equipment on a vehicle under section 683, the
7 court shall waive a civil fine, costs, and assessments upon
8 receipt of certification by a law enforcement agency that repair
9 of the defective equipment was made before the appearance date on
10 the citation.

11 (10) A default in the payment of a civil fine or costs
12 ordered under subsection (2), (3), or (4) or a justice system
13 assessment ordered under subsection (14), or an installment of
14 the fine, costs, or assessment, may be collected by a means
15 authorized for the enforcement of a judgment under chapter 40 of
16 the revised judicature act of 1961, 1961 PA 236, MCL 600.4001 to
17 600.4065, or under chapter 60 of the revised judicature act of
18 1961, 1961 PA 236, MCL 600.6001 to 600.6098.

19 (11) If a person fails to comply with an order or judgment
20 issued pursuant to this section, within the time prescribed by
21 the court, the driver's license of that person shall be suspended
22 pursuant to section 321a until full compliance with that order or
23 judgment occurs. In addition to this suspension, the court may
24 also proceed under section 908.

25 (12) The court shall waive any civil fine, cost, or
26 assessment against a person who received a civil infraction
27 citation for a violation of section 710d if the person, before

1 the appearance date on the citation, supplies the court with
2 evidence of acquisition, purchase, or rental of a child seating
3 system meeting the requirements of section 710d.

4 (13) Until October 1, 2003, in addition to any civil fines
5 and costs ordered to be paid under this section, the judge or
6 district court magistrate shall levy an assessment of \$5.00 for
7 each civil infraction determination, except for a parking
8 violation or a violation for which the total fine and costs
9 imposed are \$10.00 or less. An assessment paid before October 1,
10 2003 shall be transmitted by the clerk of the court to the state
11 treasurer to be deposited into the Michigan justice training
12 fund. An assessment ordered before October 1, 2003 but collected
13 on or after October 1, 2003 shall be transmitted by the clerk of
14 the court to the state treasurer for deposit in the justice
15 system fund created in section 181 of the revised judicature act
16 of 1961, 1961 PA 236, MCL 600.181. An assessment levied under
17 this subsection is not a civil fine for purposes of section 909.

18 (14) Effective October 1, 2003, in addition to any civil
19 fines or costs ordered to be paid under this section, the judge
20 or district court magistrate shall order the defendant to pay a
21 justice system assessment of \$40.00 for each civil infraction
22 determination, except for a parking violation or a violation for
23 which the total fine and costs imposed are \$10.00 or less. Upon
24 payment of the assessment, the clerk of the court shall transmit
25 the assessment collected to the state treasury to be deposited
26 into the justice system fund created in section 181 of the
27 revised judicature act of 1961, 1961 PA 236, MCL 600.181. An

1 assessment levied under this subsection is not a civil fine for
2 purposes of section 909.

3 (15) If a person has received a citation for a violation of
4 section 223, the court shall waive any civil fine, costs, and
5 assessment, upon receipt of certification by a law enforcement
6 agency that the person, before the appearance date on the
7 citation, produced a valid registration certificate that was
8 valid on the date the violation of section 223 occurred.

9 (16) If a person has received a citation for a violation of
10 section 328(1) for failing to produce a certificate of insurance
11 pursuant to section 328(2), the court may waive the fee described
12 in section 328(3)(c) and shall waive any fine, costs, and any
13 other fee or assessment otherwise authorized under this act upon
14 receipt of verification by the court that the person, before the
15 appearance date on the citation, produced valid proof of
16 insurance that was in effect at the time the violation of section
17 328(1) occurred. Insurance obtained subsequent to the time of
18 the violation does not make the person eligible for a waiver
19 under this subsection.

20 Enacting section 1. This amendatory act takes effect June
21 1, 2005.