

HOUSE BILL No. 5431

March 8, 2016, Introduced by Reps. Forlini, Kelly, Goike and Outman and referred to the Committee on Local Government.

A bill to prohibit a local government, law enforcement agency, or university from operating a motor vehicle storage facility; to prohibit a local government, law enforcement agency, or university from accepting consideration from an authorized vendor that operates a motor vehicle storage facility; to prohibit a local government, law enforcement agency, or university from requiring an authorized vendor to deliver a motor vehicle to a motor vehicle storage facility operated by a different authorized vendor; to provide for exceptions; to prescribe the powers and duties of certain state and local departments, entities, and officials; to prescribe the powers and duties of certain law enforcement agencies; and to provide for remedies and penalties.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Authorized vendor" means an individual or entity that a
3 local government, law enforcement agency, or university designates
4 through contract, permit, practice, or license to have authority to
5 remove or store motor vehicles at the request of the local
6 government, law enforcement agency, or university.

7 (b) "Law enforcement agency" means the department of state
8 police, the department of natural resources, or a law enforcement
9 agency of a county, township, city, village, airport authority,
10 community college, or university, that is responsible for the
11 prevention and detection of crime and enforcement of the criminal
12 laws of this state.

13 (c) "Local government" means a county, city, village,
14 township, community college district, or an authority established
15 by law.

16 (d) "Motor vehicle" means that term as defined in section 33
17 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

18 (e) "Motor vehicle storage facility" means a facility operated
19 to hold motor vehicles that have been taken into custody for
20 safekeeping.

21 (f) "University" means a state supported 4-year college or
22 university.

23 Sec. 2. Except as otherwise provided in section 3, beginning
24 on the effective date of this act, a local government, law
25 enforcement agency, or university shall not do any of the
26 following:

27 (a) Operate a motor vehicle storage facility.

1 (b) Accept any consideration, financial or other, from an
2 authorized vendor that operates a motor vehicle storage facility.

3 (c) Require an authorized vendor to deliver a motor vehicle to
4 a motor vehicle storage facility operated by a different authorized
5 vendor.

6 Sec. 3. (1) If, on or before the effective date of this act, a
7 local government, law enforcement agency, or university is
8 operating a motor vehicle storage facility, that local government,
9 law enforcement agency, or university may continue to operate that
10 motor vehicle storage facility after the effective date of this
11 act.

12 (2) If, on or before the effective date of this act, a local
13 government, law enforcement agency, or university accepts
14 consideration, financial or other, from any authorized vendor that
15 operates a motor vehicle storage facility, that local government,
16 law enforcement agency, or university may continue to accept
17 consideration, financial or other, from any authorized vendor after
18 the effective date of this act.

19 (3) If, on or before the effective date of this act, a local
20 government, law enforcement agency, or university requires any
21 authorized vendor to deliver a motor vehicle to a motor vehicle
22 storage facility operated by a different authorized vendor, that
23 local government, law enforcement agency, or university may
24 continue to require any authorized vendor to deliver a motor
25 vehicle to a motor vehicle storage facility operated by a different
26 authorized vendor after the effective date of this act.

27 Sec. 4. If a local government, law enforcement agency, or

1 university violates section 2, an authorized vendor may bring a
2 cause of action against the local government, law enforcement
3 agency, or university and may recover the amount of the actual
4 damages sustained, plus costs and reasonable attorney fees.

5 Sec. 5. The owner or lessee of a motor vehicle that is held at
6 a motor vehicle storage facility that is being operated in
7 violation of section 2 may bring a cause of action against the
8 local government, law enforcement agency, or university and may
9 recover all towing and storage fees paid by the owner or lessee or
10 \$150.00, whichever is greater, plus costs and reasonable attorney
11 fees.

12 Enacting section 1. This act takes effect 90 days after the
13 date it is enacted into law.