

**SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 5181**

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending sections 252a, 252f, and 252g (MCL 257.252a, 257.252f,  
and 257.252g), section 252a as amended by 2015 PA 48, section 252f  
as amended by 2008 PA 539, and section 252g as amended by 2012 PA  
498.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 252a. (1) A person shall not abandon a vehicle in this  
2 state. It is presumed that the last titled owner of the vehicle is  
3 responsible for abandoning the vehicle unless the person provides a  
4 record of the sale as that term is defined in section 240. A person  
5 who violates this subsection and who fails to redeem the vehicle  
6 before disposition of the vehicle under section 252g is responsible

1 for a civil infraction and shall be ordered to pay a civil fine of  
2 \$50.00.

3 (2) As used in this section and sections 252b through 252l,  
4 "abandoned vehicle" means any of the following:

5 (a) A vehicle that has remained on private property without  
6 the consent of the owner.

7 (b) A vehicle that has remained on public property for a  
8 period of not less than 48 hours, or on a state trunk line highway  
9 as described in section 1 of 1951 PA 51, MCL 247.651, as follows:

10 (i) If a valid registration plate is affixed to the vehicle,  
11 for a period of not less than 18 hours.

12 (ii) If a valid registration plate is not affixed to the  
13 vehicle.

14 (c) A vehicle, other than a late-model vehicle, to which all  
15 of the following apply:

16 (i) An insurance company has not acquired ownership of the  
17 vehicle under section 217c.

18 (ii) The vehicle cannot be disposed of under section 248c.

19 (iii) The vehicle has remained in the custody of a vehicle  
20 salvage pool or broker site without the consent of the vehicle  
21 salvage pool operator or the broker for a period of not less than  
22 60 days.

23 (3) If a vehicle has remained on public property for the  
24 period of time described in subsection (2)(b) so that it qualifies  
25 as abandoned, a police agency having jurisdiction over the vehicle  
26 or the agency's designee shall determine whether the vehicle has  
27 been reported stolen and may affix a written notice to the vehicle.

1 The written notice shall contain the following information:

2 (a) The date and time the notice was affixed.

3 (b) The name and address of the police agency taking the  
4 action.

5 (c) The name and badge number of the police officer affixing  
6 the notice.

7 (d) The date and time the vehicle may be taken into custody  
8 and stored at the owner's expense or scrapped if the vehicle is not  
9 removed.

10 (e) The year, make, and vehicle identification number of the  
11 vehicle, if available.

12 (4) If the vehicle is an abandoned vehicle, the police agency  
13 or the agency's designee may have the towing agency take the  
14 vehicle into custody.

15 (5) A police agency that has received a vehicle taken into  
16 custody as abandoned shall do all of the following:

17 (a) Recheck to determine if the vehicle has been reported  
18 stolen.

19 (b) Within 24 hours after the vehicle is taken into custody,  
20 enter the vehicle as abandoned into the law enforcement information  
21 network, and notify the secretary of state through the law  
22 enforcement information network that the vehicle has been taken  
23 into custody as abandoned. Each notification shall contain the  
24 following information:

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

27 (ii) The address or approximate location from which the

1 vehicle was taken into custody.

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

3 (iv) **THE DATE THE VEHICLE IS BEING ENTERED INTO THE LAW**  
4 **ENFORCEMENT INFORMATION NETWORK AND WHETHER THE INFORMATION IS**  
5 **BEING ENTERED WITHIN 24 HOURS AFTER THE VEHICLE WAS TAKEN INTO**  
6 **CUSTODY.**

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

9 (vi) ~~(v)~~—The name and business address of the custodian of the  
10 vehicle.

11 (vii) ~~(vi)~~—The name of the court that has jurisdiction over  
12 the case.

13 (c) Within 7 days after receiving notice under subdivision (b)  
14 that the vehicle has been taken into custody, the secretary of  
15 state shall do both of the following:

16 (i) Send to the last titled owner and secured party, as shown  
17 by the records of the secretary of state as described in section  
18 221 or 237, by first-class mail or personal service, notice that  
19 the vehicle is considered abandoned. The form for the notice shall  
20 be furnished by the secretary of state. Each notice form shall  
21 contain the following information:

22 (A) The year, make, and vehicle identification number of the  
23 vehicle if available.

24 (B) The address or approximate location from which the vehicle  
25 was taken into custody.

26 (C) The date on which the vehicle was taken into custody.

27 (D) The name and address of the police agency that had the

1 vehicle taken into custody.

2 (E) The name and business address of the custodian of the  
3 vehicle.

4 (F) The procedure to redeem the vehicle.

5 (G) The procedure to contest the fact that the vehicle is  
6 considered abandoned or the reasonableness of the towing fees and  
7 daily storage fees.

8 (H) A form petition that the owner may file in person or by  
9 mail with the specified court that requests a hearing on the police  
10 agency's action.

11 (I) A warning that the failure to redeem the vehicle or to  
12 request a hearing within 20 days after the date of the notice may  
13 result in the sale of the vehicle and the termination of all rights  
14 of the owner and the secured party to the vehicle or the proceeds  
15 of the sale.

16 (ii) Enter the information described in subparagraph (i) on a  
17 website maintained by the department for public use in locating  
18 vehicles that are removed under this section as abandoned. The  
19 department shall maintain the data on the website for 1 year or 1  
20 until the vehicle is disposed of under this act, whichever occurs  
21 first.

22 (6) The owner may contest the fact that the vehicle is  
23 considered abandoned or the reasonableness of the towing fees and  
24 daily storage fees by requesting a hearing and posting a bond equal  
25 to \$40.00 plus the amount of the accrued towing and storage fees. A  
26 request for a hearing shall be made by filing a petition with the  
27 court specified in the notice described in subsection (5)(c) within

1 20 days after the date of the notice. ~~IF~~ **SUBJECT TO SUBSECTION (8)**,  
2 **IF** the owner requests a hearing, the matter shall be resolved after  
3 a hearing conducted under sections 252e and 252f. An owner who  
4 requests a hearing may obtain release of the vehicle by posting a  
5 towing and storage bond in an amount equal to the \$40.00 plus the  
6 accrued towing and storage fees with the court. The owner of a  
7 vehicle who requests a hearing may obtain release of the vehicle by  
8 paying a fee of \$40.00 to the court and the accrued towing and  
9 storage fees instead of posting the towing and storage bond.

10 (7) ~~IF~~ **SUBJECT TO SUBSECTION (9)**, **IF** the owner does not  
11 request a hearing under subsection (6), he or she may obtain the  
12 release of the vehicle by paying a fee of \$40.00 and the accrued  
13 towing and storage fees to the custodian of the vehicle. The  
14 custodian of the vehicle shall forward \$25.00 of the fee to the  
15 secretary of state within 30 days after receipt in a manner  
16 prescribed by the secretary of state, who shall deposit the fee  
17 into the abandoned vehicle fund created in section 252h.

18 (8) **THE SECURED PARTY MAY CONTEST THE REASONABLENESS OF THE**  
19 **TOWING FEES AND DAILY STORAGE FEES AND REQUEST A HEARING IN THE**  
20 **SAME MANNER AND SUBJECT TO THE SAME REQUIREMENTS AS THE OWNER OF**  
21 **THE VEHICLE UNDER SUBSECTION (6). IF BOTH THE OWNER AND THE SECURED**  
22 **PARTY REQUEST A HEARING TO CONTEST THE REASONABLENESS OF THE TOWING**  
23 **FEES AND DAILY STORAGE FEES WITHIN 20 DAYS AFTER THE DATE OF THE**  
24 **NOTICE, THE COURT SHALL DISMISS THE SECURED PARTY'S PETITION AND**  
25 **PROCEED WITH THE OWNER'S PETITION AS PROVIDED IN SUBSECTION (6),**  
26 **UNLESS THE OWNER IS IN DEFAULT ON A CONTRACT OR AGREEMENT WITH THE**  
27 **SECURED PARTY REGARDING THAT VEHICLE. IF THE OWNER IS IN DEFAULT ON**

1 A CONTRACT OR AGREEMENT WITH THE SECURED PARTY REGARDING THAT  
2 VEHICLE, THE COURT SHALL DISMISS THE OWNER'S PETITION AND PROCEED  
3 WITH THE SECURED PARTY'S PETITION IN THE SAME MANNER AS PROVIDED IN  
4 SUBSECTION (6). IF THE SECURED PARTY REDEEMS THE VEHICLE, THE OWNER  
5 MAY ONLY SEEK DAMAGES RELATED TO THE REASONABLENESS OF THE TOWING  
6 FEES AND DAILY STORAGE FEES FROM THE SECURED PARTY. IF THE COURT  
7 FINDS, AFTER A HEARING ON THE REASONABLENESS OF THE TOWING FEES AND  
8 DAILY STORAGE FEES, THAT THE OWNER'S OR THE SECURED PARTY'S  
9 CHALLENGE WAS FRIVOLOUS, THE COURT MAY AWARD REASONABLE ATTORNEY  
10 FEES TO THE CUSTODIAN OF THE VEHICLE.

11 (9) ~~(8)~~—If the owner does not redeem the vehicle or request a  
12 hearing within ~~20~~—10 days after the date of the notice described in  
13 subsection (5)(c), the secured party may obtain the release of the  
14 vehicle by paying a \$40.00 fee plus the accrued charges to the  
15 custodian of the vehicle. The custodian of the vehicle shall  
16 forward \$25.00 of the fee to the secretary of state, who shall  
17 deposit the fee into the abandoned vehicle fund created in section  
18 252h.

19 (10) ~~(9)~~—If a vehicle has remained on private property without  
20 the consent of the property owner, the owner of the private  
21 property may have the vehicle taken into custody as an abandoned  
22 vehicle by contacting a local towing agency. A local towing agency  
23 is considered a towing agency whose storage lot is located within  
24 15 miles from the border of the local unit of government having  
25 jurisdiction over the abandoned vehicle.

26 (11) ~~(10)~~—Before removing the vehicle from private property,  
27 the towing agency shall provide ~~reasonable~~—notice by telephone, or

1 otherwise, to a police agency having jurisdiction over the vehicle  
2 that the vehicle is being removed. ~~The~~ **WITHIN 24 HOURS AFTER**  
3 **RECEIPT OF THE NOTICE FROM THE TOWING AGENCY, THE** police agency  
4 shall determine if the vehicle has been reported stolen and enter  
5 the vehicle into the law enforcement information network as an  
6 abandoned vehicle. Verification by the police agency of compliance  
7 with this section is not necessary and is not a predicate to the  
8 entrance of the vehicle into the law enforcement information  
9 network.

10 (12) ~~(11)~~ Within 24 hours after taking the abandoned vehicle  
11 into custody, the police agency shall notify the secretary of state  
12 through the law enforcement information network that the vehicle  
13 has been taken into custody as abandoned. Each notification shall  
14 contain the following information:

15 (a) The year, make, and vehicle identification number of the  
16 vehicle if available.

17 (b) The address or approximate location from which the vehicle  
18 was taken into custody.

19 (c) The date on which the vehicle was taken into custody.

20 (D) **THE DATE THE VEHICLE IS BEING ENTERED INTO THE LAW**  
21 **ENFORCEMENT INFORMATION NETWORK AND WHETHER THE INFORMATION IS**  
22 **BEING ENTERED WITHIN 24 HOURS AFTER THE VEHICLE WAS TAKEN INTO**  
23 **CUSTODY.**

24 (E) ~~(d)~~ The name and address of the police agency that had the  
25 vehicle taken into custody.

26 (F) ~~(e)~~ The name and business address of the custodian of the  
27 vehicle.



1           (G) ~~(F)~~—The name of the court that has jurisdiction over the  
2 case.

3           (13) ~~(12)~~—Within 7 days after being notified under subsection  
4 ~~(11)~~, (12), the secretary of state shall do both of the following:

5           (a) Send to the owner and secured party, as shown by the  
6 records of the secretary of state, by first-class mail or personal  
7 service, notice that the vehicle is considered abandoned. The form  
8 for the notice shall be furnished by the secretary of state. Each  
9 notice form shall contain the following information:

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

12           (ii) The location from which the vehicle was taken into  
13 custody.

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

15           (iv) The name of the towing agency that had the vehicle taken  
16 into custody.

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

18           (vi) The procedure to redeem the vehicle.

19           (vii) The procedure to contest the fact that the vehicle is  
20 considered abandoned or the reasonableness of the towing fees and  
21 daily storage fees.

22           (viii) A form petition that the owner may file in person or by  
23 mail with the specified court that requests a hearing on the  
24 custodian's action.

25           (ix) A warning that the failure to redeem the vehicle or to  
26 request a hearing within 20 days after the date of the notice may  
27 result in the sale of the vehicle and the termination of all rights

1 of the owner and the secured party to the vehicle or the proceeds  
2 of the sale.

3 (b) Enter the information described in subdivision (a) on a  
4 website maintained by the department for public use in locating  
5 vehicles that are removed under this section as abandoned.

6 (14) ~~(13)~~—The owner may contest the fact that the vehicle is  
7 abandoned or, unless the towing fees and daily storage fees are  
8 established by contract with the local governmental unit or local  
9 law enforcement agency and comply with section 252i, the  
10 reasonableness of the towing fees and daily storage fees by  
11 requesting a hearing. A request for a hearing shall be made by  
12 filing a petition with the court specified in the notice within 20  
13 days after the date of the notice. ~~If~~ **SUBJECT TO SUBSECTION (16),**  
14 **IF** the owner requests a hearing, the matter shall be resolved after  
15 a hearing conducted under section 252f. An owner who requests a  
16 hearing may obtain release of the vehicle by posting with the court  
17 a towing and storage bond in an amount equal to \$40.00 plus the  
18 accrued towing and storage fees. The owner of a vehicle who  
19 requests a hearing may obtain release of the vehicle by paying a  
20 fee of \$40.00 to the court plus the towing and storage fees instead  
21 of posting the towing and storage bond. An owner requesting a  
22 hearing but not taking possession of the vehicle shall post with  
23 the court a towing and storage bond in an amount equal to \$40.00  
24 plus the accrued towing and storage fees.

25 (15) ~~(14)~~ ~~If~~ **SUBJECT TO SUBSECTION (17), IF** the owner does not  
26 request a hearing, he or she may obtain the release of the vehicle  
27 by paying a fee of \$40.00 plus the accrued charges to the custodian

1 of the vehicle. The custodian shall forward \$25.00 of the fee  
2 collected under this subsection to the secretary of state within 30  
3 days after receipt in a manner prescribed by the secretary of  
4 state, who shall deposit the fee into the abandoned vehicle fund  
5 created in section 252h.

6 (16) THE SECURED PARTY MAY CONTEST THE REASONABLENESS OF THE  
7 TOWING FEES AND DAILY STORAGE FEES AND REQUEST A HEARING IN THE  
8 SAME MANNER AND SUBJECT TO THE SAME REQUIREMENTS AS THE OWNER UNDER  
9 SUBSECTION (14). IF BOTH THE OWNER AND THE SECURED PARTY REQUEST A  
10 HEARING TO CONTEST THE REASONABLENESS OF THE TOWING FEES AND DAILY  
11 STORAGE FEES WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE, THE COURT  
12 SHALL DISMISS THE SECURED PARTY'S PETITION AND PROCEED WITH THE  
13 OWNER'S PETITION AS PROVIDED IN SUBSECTION (14), UNLESS THE OWNER  
14 IS IN DEFAULT ON A CONTRACT OR AGREEMENT WITH THE SECURED PARTY  
15 REGARDING THAT VEHICLE. IF THE OWNER IS IN DEFAULT ON A CONTRACT OR  
16 AGREEMENT WITH THE SECURED PARTY REGARDING THAT VEHICLE, THE COURT  
17 SHALL DISMISS THE OWNER'S PETITION AND PROCEED WITH THE SECURED  
18 PARTY'S PETITION IN THE SAME MANNER AS PROVIDED IN SUBSECTION (14).  
19 IF THE SECURED PARTY REDEEMS THE VEHICLE, THE OWNER MAY ONLY SEEK  
20 DAMAGES RELATED TO THE REASONABLENESS OF THE TOWING FEES AND DAILY  
21 STORAGE FEES FROM THE SECURED PARTY. IF THE COURT FINDS, AFTER A  
22 HEARING ON THE REASONABLENESS OF THE TOWING FEES AND DAILY STORAGE  
23 FEES, THAT THE OWNER'S OR THE SECURED PARTY'S CHALLENGE WAS  
24 FRIVOLOUS, THE COURT SHALL AWARD TO THE CUSTODIAN COSTS, INCLUDING  
25 REASONABLE ATTORNEY FEES, AGAINST THE OWNER OR SECURED PARTY.

26 (17) ~~(15)~~—If the owner does not redeem the vehicle or request  
27 a hearing within ~~20~~—10 days after the date of the notice, the

1 secured party may obtain the release of the vehicle by paying a fee  
2 of \$40.00 and the accrued towing and storage fees to the custodian  
3 of the vehicle. The custodian shall forward \$25.00 of the fee  
4 collected under this subsection to the secretary of state within 30  
5 days after receipt in a manner prescribed by the secretary of  
6 state, who shall deposit the fee into the abandoned vehicle fund  
7 created in section 252h.

8 (18) ~~(16)~~ Not less than 20 days after the disposition of the  
9 hearing described in subsection (6) or, if a hearing is not  
10 requested, not less than 20 days after the date of the notice, the  
11 police agency if the abandoned vehicle is found on public property,  
12 or the custodian of the vehicle if the vehicle is found on private  
13 property, shall offer the vehicle for sale at a public sale under  
14 section 252g.

15 (19) THE CUSTODIAN OF A VEHICLE DESCRIBED IN THIS SECTION  
16 SHALL ALLOW THE OWNER OF THE VEHICLE OR A SECURED PARTY TO INSPECT  
17 THE VEHICLE DURING REGULAR BUSINESS HOURS AT THE LOCATION WHERE THE  
18 VEHICLE IS BEING HELD. THE CUSTODIAN OF THE VEHICLE MAY CHARGE THE  
19 SECURED PARTY A FEE OF NOT MORE THAN \$75.00 TO INSPECT THE VEHICLE  
20 OR, IF THE ACTUAL COST NECESSARY TO ALLOW THE INSPECTION IS GREATER  
21 THAN \$75.00, THE ACTUAL COST NECESSARY TO ALLOW THE INSPECTION. IF  
22 THE CUSTODIAN OF THE VEHICLE CHARGES THE SECURED PARTY MORE THAN  
23 \$75.00 AS PROVIDED IN THIS SUBSECTION, THE CUSTODIAN SHALL PROVIDE  
24 THE SECURED PARTY WITH AN ITEMIZED INVOICE FOR THE ACTUAL COSTS  
25 ASSESSED. THE CUSTODIAN OF THE VEHICLE SHALL ALLOW THE OWNER OF THE  
26 VEHICLE TO INSPECT THE VEHICLE AND RETRIEVE PERSONAL PROPERTY FROM  
27 THE VEHICLE WITHOUT PAYING A FEE FOR THE FIRST VISIT. AFTER THE

1 FIRST VISIT BY THE OWNER TO INSPECT THE VEHICLE OR RETRIEVE  
2 PERSONAL PROPERTY FROM THE VEHICLE AS PROVIDED IN THIS SUBSECTION,  
3 THE CUSTODIAN MAY CHARGE THE OWNER OF THE VEHICLE A FEE OF NOT MORE  
4 THAN \$25.00 FOR EACH SUBSEQUENT VISIT.

5 (20) ~~(17)~~—If the ownership of a vehicle that is considered  
6 abandoned under this section cannot be determined either because of  
7 the condition of the vehicle identification numbers or because a  
8 check with the records of the secretary of state as described in  
9 section 221 or 237 does not reveal ownership, the police agency may  
10 sell the vehicle at public sale as provided in section 252g not  
11 less than 30 days after public notice of the sale has been  
12 published.

13 (21) ~~(18)~~—The secretary of state shall release a vehicle for  
14 disposition under section 252b or 252g within 45 days after the  
15 vehicle is entered into the law enforcement information network as  
16 an abandoned vehicle.

17 Sec. 252f. (1) Upon the filing of a petition prescribed in  
18 section 252a, 252b, or 252d, signed by the owner of the vehicle  
19 ~~which~~ **THAT** has been taken into custody, **OR, UPON THE FILING OF A**  
20 **PETITION PRESCRIBED IN SECTION 252A SIGNED BY THE SECURED PARTY**  
21 **REGARDING A VEHICLE THAT HAS BEEN TAKEN INTO CUSTODY,** the court  
22 shall do both of the following:

23 (a) Schedule a hearing within 30 days for the purpose of  
24 determining whether the police agency, towing agency or custodian,  
25 or private property owner acted properly.

26 (b) Notify the owner **OR THE SECURED PARTY, AS APPLICABLE,**  
27 towing agency or custodian, and police agency or if the vehicle was

1 removed from private property, notify the private property owner  
2 also of the time and place of the hearing.

3 (2) At the hearing specified in subsection (1), the police  
4 agency, towing agency or custodian, or, if the vehicle was removed  
5 from private property, the private property owner shall have the  
6 burden of showing by a preponderance of the evidence that it has  
7 complied with the requirements of this act in reporting or  
8 processing the abandoned vehicle or vehicle removed under section  
9 252d.

10 (3) After the hearing, the court shall make a decision that  
11 includes 1 or more of the following:

12 (a) A finding that the police agency complied with the  
13 procedures established for the processing of an abandoned vehicle  
14 or a vehicle removed under section 252a, 252b, or 252d, and an  
15 order providing a period of ~~20~~10 days after the decision for the  
16 owner **OR THE SECURED PARTY, IF APPLICABLE**, to redeem the vehicle.  
17 If the owner **OR THE SECURED PARTY** does not redeem the vehicle  
18 within ~~20~~10 days, the police agency shall dispose of the vehicle  
19 under section 252b or 252g. The court shall forward \$25.00 of the  
20 fee collected under section 252b or 252g to the secretary of state  
21 within 30 days after the court's decision in a manner prescribed by  
22 the secretary of state. The towing and storage fees and \$15.00 of  
23 the fee collected under section 252b or 252g shall be forwarded to  
24 the towing agency.

25 (b) A finding that the police agency did not ~~comply with~~ **ENTER**  
26 ~~the procedures established for the processing of an abandoned~~  
27 ~~vehicle or a vehicle removed under~~ **AS ABANDONED INTO THE LAW**

1 ENFORCEMENT INFORMATION NETWORK WITHIN 24 HOURS AFTER THE VEHICLE  
2 WAS TAKEN INTO CUSTODY AS REQUIRED BY ~~section 252a, 252b, or 252d.~~  
3 252A(5) (B) OR (12). After making the finding, the court shall issue  
4 an order directing that the vehicle immediately be released to the  
5 owner OR THE SECURED PARTY, IF APPLICABLE, and ~~that~~ DIRECTING 1 OF  
6 THE FOLLOWING:

7 (i) THAT the police agency ~~is responsible for~~ REIMBURSE THE  
8 OWNER OR THE SECURED PARTY, IF APPLICABLE, FOR the ~~accrued towing~~  
9 ~~and storage charges~~ ACCRUED BEFORE THE POLICE AGENCY ENTERED THE  
10 VEHICLE INTO THE LAW ENFORCEMENT INFORMATION NETWORK AS REQUIRED BY  
11 SECTION 252A(5) (B) OR (12) IF THE OWNER OR THE SECURED PARTY PAID  
12 THE ACCRUED STORAGE CHARGES. ~~The court shall also order any fee or~~  
13 ~~bond posted by the owner to be returned to the owner.~~

14 (ii) IF THE OWNER OR THE SECURED PARTY HAS NOT PAID THE  
15 ACCRUED STORAGE CHARGES BUT HAS POSTED A FEE OR BOND WITH THE  
16 COURT, THAT THE POLICE AGENCY SHALL PAY DIRECTLY TO THE OWNER OR  
17 SECURED PARTY THE AMOUNT OF THE STORAGE CHARGES ACCRUED BEFORE THE  
18 POLICE AGENCY ENTERED THE VEHICLE INTO THE LAW ENFORCEMENT  
19 INFORMATION NETWORK AS REQUIRED BY SECTION 252A(5) (B) OR 252A(12)  
20 PLUS INTEREST NO LATER THAN 10 DAYS AFTER THE DATE OF THE ORDER.  
21 THE COURT SHALL RELEASE THE BOND POSTED BY THE OWNER OR SECURED  
22 PARTY IN FULL TO THE CUSTODIAN AFTER THE COURT HAS RECEIVED NOTICE  
23 FROM THE POLICE AGENCY THAT THE POLICE AGENCY HAS ISSUED THE  
24 PAYMENT REQUIRED BY THIS SUBPARAGRAPH TO THE OWNER OR SECURED  
25 PARTY.

26 (C) A FINDING THAT THE POLICE AGENCY IMPROPERLY DETERMINED  
27 THAT THE VEHICLE WAS ABANDONED. AFTER MAKING THE FINDING, THE COURT

1 SHALL ISSUE AN ORDER DIRECTING THAT THE VEHICLE BE IMMEDIATELY  
2 RELEASED TO THE OWNER AND DIRECTING THE CUSTODIAN TO REIMBURSE THE  
3 OWNER FOR THE ACCRUED TOWING AND STORAGE CHARGES, IF THE OWNER PAID  
4 THE ACCRUED TOWING AND STORAGE CHARGES. THE COURT SHALL ORDER THE  
5 POLICE AGENCY TO REIMBURSE THE CUSTODIAN FOR ACCRUED TOWING AND  
6 STORAGE CHARGES PAID TO THE OWNER UNDER THIS SUBDIVISION. IF THE  
7 OWNER HAS NOT PAID THE ACCRUED TOWING AND STORAGE CHARGES, THE  
8 COURT SHALL ORDER THE POLICE AGENCY TO PAY THE ACCRUED TOWING AND  
9 STORAGE CHARGES. THE COURT SHALL ALSO ORDER THE POLICE AGENCY TO  
10 PAY ANY OTHER FEES ASSOCIATED WITH RECOVERING THE VEHICLE, OR TO  
11 REIMBURSE THE OWNER FOR ANY OTHER FEES ASSOCIATED WITH RECOVERING  
12 THE VEHICLE PAID BY THE OWNER. THE COURT SHALL ALSO ORDER ANY FEE  
13 OR BOND POSTED BY THE OWNER TO BE RETURNED TO THE OWNER.

14 (D) ~~(e)~~—A finding that the towing fees and daily storage fees  
15 were reasonable.

16 (E) ~~(d)~~—A finding that the towing fees and daily storage fees  
17 were unreasonable and issue an order directing the towing agency or  
18 custodian of the vehicle to provide the last titled owner of the  
19 vehicle **OR THE SECURED PARTY, IF APPLICABLE**, with an appropriate  
20 reduction or refund.

21 (F) ~~(e)~~—A finding that the owner of the real property complied  
22 with the provisions of section 252k or 252l.

23 (G) ~~(f)~~—A finding that the owner of the real property did not  
24 comply with the provisions of section 252k or 252l, and issue an  
25 order requiring the owner of the real property to reimburse the  
26 last titled owner of the vehicle **OR THE SECURED PARTY, IF**  
27 **APPLICABLE**, for the accrued towing and storage charges.



1           (H) ~~(g)~~—A finding that the towing agency did not comply with  
 2 the procedures established for the proper removal and reporting of  
 3 an abandoned vehicle removed under section ~~252a(10)~~, **252A(11)**,  
 4 252b, or 252d. After making the finding, the court shall issue an  
 5 order directing that the vehicle immediately be released to the  
 6 owner **OR THE SECURED PARTY, IF APPLICABLE**, and ~~that DIRECTING 1 OF~~  
 7 ~~the towing agency is responsible for the accrued towing and storage~~  
 8 ~~charges. The court shall also order any fee or bond posted by the~~  
 9 ~~owner to be returned to the owner.~~ **FOLLOWING:**

10           (i) **THAT THE TOWING AGENCY REIMBURSE THE OWNER OR THE SECURED**  
 11 **PARTY, IF APPLICABLE, FOR THE STORAGE CHARGES ACCRUED BEFORE THE**  
 12 **POLICE AGENCY ENTERED THE VEHICLE INTO THE LAW ENFORCEMENT**  
 13 **INFORMATION NETWORK AS REQUIRED BY SECTION 252A(5) (B) OR (12), IF**  
 14 **THE OWNER OR THE SECURED PARTY PAID THE ACCRUED STORAGE CHARGES.**

15           (ii) **IF THE OWNER OR THE SECURED PARTY, IF APPLICABLE, HAS NOT**  
 16 **PAID THE ACCRUED TOWING AND STORAGE CHARGES BUT HAS POSTED A FEE OR**  
 17 **BOND WITH THE COURT, THAT THE BOND AND STORAGE CHARGES ACCRUED**  
 18 **BEFORE THE POLICE AGENCY ENTERED THE VEHICLE INTO THE LAW**  
 19 **ENFORCEMENT INFORMATION NETWORK AS REQUIRED BY SECTION 252A(5) (B)**  
 20 **OR (12) BE RETURNED TO THE OWNER OR THE SECURED PARTY, AND THAT THE**  
 21 **REMAINDER OF ANY FEE POSTED WITH THE COURT BE PAID TO THE**  
 22 **CUSTODIAN.**

23           (I) ~~(h)~~—A finding that the towing agency did comply with the  
 24 procedures established for the proper removal and reporting of an  
 25 abandoned vehicle removed under section ~~252a(10)~~, **252A(11)**, 252b,  
 26 or 252d.

27           **(4) A HEARING UNDER THIS SECTION SHALL BE CONDUCTED BY A**

1 DISTRICT COURT MAGISTRATE, IF A DISTRICT COURT MAGISTRATE HAS BEEN  
2 APPOINTED BY THE COURT. THE APPEAL OF A DISTRICT COURT MAGISTRATE'S  
3 DECISION UNDER THIS SECTION SHALL BE HEARD BY A JUDGE OF THE  
4 DISTRICT COURT.

5 Sec. 252g. (1) Subject to section ~~252a(16)~~, **252A(18)**, a public  
6 sale for a vehicle and its contents that has been determined to be  
7 abandoned under section 252a or removed under section 252d shall be  
8 conducted in the following manner:

9 (a) It shall be under the control of the police agency.  
10 However, a police agency may designate the custodian of the vehicle  
11 or a third party to conduct the auction.

12 (b) It shall be open to the public and consist of open auction  
13 bidding or bidding by sealed bids. If sealed bids are received, the  
14 person submitting the bid shall receive a receipt for the bid from  
15 the police agency or the agency's designee or, if the vehicle is  
16 being sold under section ~~252a(16)~~, **252A(18)**, the custodian of the  
17 vehicle.

18 (c) Except as otherwise provided in sections ~~252a(16)~~ **252A(18)**  
19 and ~~(17)~~ **(19)** and 252b(7), it shall be held not less than 5 days  
20 after public notice of the sale has been published.

21 (d) ~~The~~ **EXCEPT AS OTHERWISE PROVIDED IN THIS SUBDIVISION, THE**  
22 public notice shall be published at least once in a newspaper  
23 having a general circulation within the county in which the vehicle  
24 was abandoned. The public notice shall give a description of the  
25 vehicle for sale and shall state the time, date, and location of  
26 the sale. **THE REQUIREMENTS OF THIS SUBDIVISION MAY BE SATISFIED BY**  
27 **PUBLISHING A NOTICE OF THE PUBLIC AUCTION ONCE IN A NEWSPAPER**

1 HAVING A GENERAL CIRCULATION WITHIN THE COUNTY IN WHICH THE AUCTION  
2 IS TO OCCUR, IF THE NOTICE STATES THAT THE AUCTION IS AN ABANDONED  
3 VEHICLE AUCTION, LISTS THE DATE, TIME, AND LOCATION OF THE AUCTION,  
4 AND PROVIDES A WEBSITE ADDRESS WHERE A COMPLETE DESCRIPTION OF EACH  
5 VEHICLE TO BE AUCTIONED APPEARS FOR NOT LESS THAN 5 CONSECUTIVE  
6 DAYS BEFORE THE DATE OF THE AUCTION. AS USED IN THIS SUBDIVISION,  
7 "COMPLETE DESCRIPTION" MEANS A DESCRIPTION OF THE VEHICLE'S MODEL  
8 YEAR, MANUFACTURER MAKE, MODEL NAME, AND VEHICLE IDENTIFICATION  
9 NUMBER.

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

12 (a) Accrued towing and storage charges. However, if the money  
13 received from the public sale does not satisfy the accrued towing  
14 and storage charges, the towing company may collect the balance of  
15 those unpaid fees from the last titled owner, subject to section  
16 252i.

17 (b) Expenses incurred by the police agency or the custodian of  
18 the vehicle.

19 (c) Payment of the \$40.00 abandoned vehicle fee described in  
20 section 252f(3)(a).

21 (d) Any extra money shall be sent to the department of  
22 treasury's unclaimed property division to be disbursed as follows:

23 (i) To the secured party, if any, in the amount of the debt  
24 outstanding on the vehicle.

25 (ii) Remainder to the owner. A reasonable attempt shall be  
26 made to mail the remainder to the last titled owner. If delivery of  
27 the remainder cannot be accomplished, the remainder shall become

1 the property of the unit of government governing the location from  
2 which the vehicle was towed.

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

5 (a) Turn the vehicle over to the towing firm or the custodian  
6 of the vehicle to satisfy charges against the vehicle. However, if  
7 the value of the vehicle does not satisfy the towing fees and  
8 accrued daily storage fees, the custodian of the vehicle may  
9 collect the balance of those unpaid fees from the last titled  
10 owner, subject to section 252i.

11 (b) Obtain title to the vehicle for the police agency or the  
12 unit of government the police agency represents, by doing the  
13 following:

14 (i) Paying the towing and storage charges.

15 (ii) Applying for title to the vehicle.

16 (c) Hold another public sale under subsection (1).

17 (4) A person who acquires ownership of a vehicle under  
18 subsection (1) or (3) that has been designated as a distressed  
19 vehicle shall apply for a salvage certificate of title within 15  
20 days after obtaining the vehicle.

21 (5) Upon disposition of the vehicle, the police agency or  
22 towing agency or custodian shall provide the secretary of state and  
23 the police agency, if that police agency did not conduct the sale,  
24 with the vehicle's disposition and the name of the agency that  
25 disposed of it and the police agency shall cancel the entry in the  
26 law enforcement information network.

27 (6) Not less than 25 days after the date of notice required

1 under section 252a, if the police agency does not provide a copy of  
2 the bill of sale by the police agency for the abandoned vehicle to  
3 the towing agency or custodian or police agency's designee, the  
4 towing agency or custodian or police agency designee may obtain an  
5 original of the bill of sale by submitting an application to the  
6 secretary of state in a form as determined by the secretary of  
7 state.

8 Enacting section 1. This amendatory act takes effect 90 days  
9 after the date it is enacted into law.