

HOUSE BILL NO. 6487

December 02, 2020, Introduced by Rep. Miller and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252d, 252i, and 673 (MCL 257.252a, 257.252d, 257.252i, and 257.673), section 252a as amended by 2018 PA 347, section 252d as amended by 2012 PA 498, and section 252i as added by 2004 PA 493, and by adding section 252n.

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

1 responsible for abandoning the vehicle unless the person provides a
2 record of the sale as that term is defined in section 240. A person
3 who violates this subsection and who fails to redeem the vehicle
4 before disposition of the vehicle under section 252g is responsible
5 for a civil infraction and ~~shall~~**must** be ordered to pay a civil
6 fine of \$50.00.

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

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

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

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

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

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

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

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

23 (iii) The vehicle has remained in the custody of a vehicle
24 salvage pool or broker site without the consent of the vehicle
25 salvage pool operator or the broker for a period of not less than
26 60 days.

27 (3) If a vehicle has remained on public property for the
28 period of time described in subsection (2) (b) so that it qualifies
29 as abandoned, a police agency having jurisdiction over the vehicle

1 or the agency's designee shall determine whether the vehicle has
2 been reported stolen and may affix a written notice to the vehicle.
3 The written notice ~~shall~~**must** contain the following information:

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

5 (b) The name and address of the police agency taking the
6 action.

7 (c) The name and badge number of the police officer affixing
8 the notice.

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

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

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

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

19 (a) Recheck to determine if the vehicle has been reported
20 stolen.

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

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

29 (ii) The address or approximate location from which the vehicle

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

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

11 (vii) The name of the court that has jurisdiction over the
12 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 **must** be furnished by the secretary of state. Each notice form ~~shall~~
21 **must** 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
28 vehicle taken into custody.

29 (E) The name and business address of the custodian of the

1 vehicle.

2 (F) The procedure to redeem the vehicle.

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

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

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

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

20 (6) The owner may contest the fact that the vehicle is
21 considered abandoned or the reasonableness of the towing fees and
22 daily storage fees by requesting a hearing and posting a bond equal
23 to \$40.00 plus the amount of the accrued towing and storage fees. A
24 request for a hearing ~~shall~~**must** be made by filing a petition with
25 the court specified in the notice described in subsection (5)(c)
26 within 20 days after the date of the notice. Subject to subsection
27 (8), if the owner requests a hearing, the matter ~~shall~~**must** be
28 resolved after a hearing conducted under sections 252e and 252f. An
29 owner who requests a hearing may obtain release of the vehicle by

1 posting a towing and storage bond in an amount equal to the \$40.00
2 plus the accrued towing and storage fees with the court. The owner
3 of a vehicle who requests a hearing may obtain release of the
4 vehicle by paying a fee of \$40.00 to the court and the accrued
5 towing and storage fees instead of posting the towing and storage
6 bond.

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

16 (8) The secured party may contest the reasonableness of the
17 towing fees and daily storage fees and request a hearing in the
18 same manner and subject to the same requirements as the owner of
19 the vehicle under subsection (6). If both the owner and the secured
20 party request a hearing to contest the reasonableness of the towing
21 fees and daily storage fees within 20 days after the date of the
22 notice, the court shall dismiss the secured party's petition and
23 proceed with the owner's petition as provided in subsection (6),
24 unless the owner is in default on a contract or agreement with the
25 secured party regarding that vehicle. If the owner is in default on
26 a contract or agreement with the secured party regarding that
27 vehicle, the court shall dismiss the owner's petition and proceed
28 with the secured party's petition in the same manner as provided in
29 subsection (6). If the secured party redeems the vehicle, the owner

1 may only seek damages related to the reasonableness of the towing
2 fees and daily storage fees from the secured party. If the court
3 finds, after a hearing on the reasonableness of the towing fees and
4 daily storage fees, that the owner's or the secured party's
5 challenge was frivolous, the court may award reasonable attorney
6 fees to the custodian of the vehicle.

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

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

22 (11) Before removing the vehicle from private property, the
23 towing agency shall provide notice by telephone, or otherwise, to a
24 police agency having jurisdiction over the vehicle that the vehicle
25 is being removed. Within 24 hours after receipt of the notice from
26 the towing agency, the police agency shall determine if the vehicle
27 has been reported stolen and enter the vehicle into the law
28 enforcement information network as an abandoned vehicle.
29 Verification by the police agency of compliance with this section

1 is not necessary and is not a predicate to the entrance of the
2 vehicle into the law enforcement information network.

3 (12) Within 24 hours after taking the abandoned vehicle into
4 custody, the police agency shall notify the secretary of state
5 through the law enforcement information network that the vehicle
6 has been taken into custody as abandoned. Each notification ~~shall~~
7 **must** contain the following information:

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

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

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

13 (d) The date the vehicle is being entered into the law
14 enforcement information network and whether the information is
15 being entered within 24 hours after the vehicle was taken into
16 custody.

17 (e) The name and address of the police agency that had the
18 vehicle taken into custody.

19 (f) The name and business address of the custodian of the
20 vehicle.

21 (g) The name of the court that has jurisdiction over the case.

22 (13) Within 7 days after being notified under subsection (12),
23 the secretary of state shall do both of the following:

24 (a) Send to the owner and secured party, as shown by the
25 records of the secretary of state, by first-class mail or personal
26 service, notice that the vehicle is considered abandoned. The form
27 for the notice ~~shall~~**must** be furnished by the secretary of state.
28 Each notice form ~~shall~~**must** contain the following information:

29 (i) The year, make, and vehicle identification number of the

1 vehicle if available.

2 (ii) The location from which the vehicle was taken into
3 custody.

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

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

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

8 (vi) The procedure to redeem the vehicle.

9 (vii) The procedure to contest the fact that the vehicle is
10 considered abandoned or the reasonableness of the towing fees and
11 daily storage fees.

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

15 (ix) A warning that the failure to redeem the vehicle or to
16 request a hearing within 20 days after the date of the notice may
17 result in the sale of the vehicle and the termination of all rights
18 of the owner and the secured party to the vehicle or the proceeds
19 of the sale.

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

23 (14) The owner may contest the fact that the vehicle is
24 abandoned or, unless the towing fees and daily storage fees are
25 established by contract with the local governmental unit or local
26 law enforcement agency and comply with section 252i, the
27 reasonableness of the towing fees and daily storage fees by
28 requesting a hearing. A request for a hearing ~~shall~~**must** be made by
29 filing a petition with the court specified in the notice within 20

1 days after the date of the notice. Subject to subsection (16), if
2 the owner requests a hearing, the matter ~~shall~~**must** be resolved
3 after a hearing conducted under section 252f. An owner who requests
4 a hearing may obtain release of the vehicle by posting with the
5 court a towing and storage bond in an amount equal to \$40.00 plus
6 the accrued towing and storage fees. The owner of a vehicle who
7 requests a hearing may obtain release of the vehicle by paying a
8 fee of \$40.00 to the court plus the towing and storage fees instead
9 of posting the towing and storage bond. An owner requesting a
10 hearing but not taking possession of the vehicle shall post with
11 the court a towing and storage bond in an amount equal to \$40.00
12 plus the accrued towing and storage fees.

13 (15) ~~Subject~~**Except as provided in section 252n and subject** to
14 subsection (17), if the owner does not request a hearing, he or she
15 may obtain the release of the vehicle by paying a fee of \$40.00
16 plus the accrued charges to the custodian of the vehicle. The
17 custodian shall forward \$25.00 of the fee collected under this
18 subsection to the secretary of state within 30 days after receipt
19 in a manner prescribed by the secretary of state, who shall deposit
20 the fee into the abandoned vehicle fund created in section 252h.

21 (16) The secured party may contest the reasonableness of the
22 towing fees and daily storage fees and request a hearing in the
23 same manner and subject to the same requirements as the owner under
24 subsection (14). If both the owner and the secured party request a
25 hearing to contest the reasonableness of the towing fees and daily
26 storage fees within 20 days after the date of the notice, the court
27 shall dismiss the secured party's petition and proceed with the
28 owner's petition as provided in subsection (14), unless the owner
29 is in default on a contract or agreement with the secured party

1 regarding that vehicle. If the owner is in default on a contract or
2 agreement with the secured party regarding that vehicle, the court
3 shall dismiss the owner's petition and proceed with the secured
4 party's petition in the same manner as provided in subsection (14).
5 If the secured party redeems the vehicle, the owner may only seek
6 damages related to the reasonableness of the towing fees and daily
7 storage fees from the secured party. If the court finds, after a
8 hearing on the reasonableness of the towing fees and daily storage
9 fees, that the owner's or the secured party's challenge was
10 frivolous, the court shall award to the custodian costs, including
11 reasonable attorney fees, against the owner or secured party.

12 (17) If the owner does not redeem the vehicle or request a
13 hearing within 10 days after the date of the notice, the secured
14 party may obtain the release of the vehicle by paying a fee of
15 \$40.00 and the accrued towing and storage fees to the custodian of
16 the vehicle. The custodian shall forward \$25.00 of the fee
17 collected under this subsection to the secretary of state within 30
18 days after receipt in a manner prescribed by the secretary of
19 state, who shall deposit the fee into the abandoned vehicle fund
20 created in section 252h.

21 (18) Not less than 20 days after the disposition of the
22 hearing described in subsection (6) or, if a hearing is not
23 requested, not less than 20 days after the date of the notice, the
24 police agency if the abandoned vehicle is found on public property,
25 or the custodian of the vehicle if the vehicle is found on private
26 property, shall offer the vehicle for sale at a public sale under
27 section 252g.

28 (19) The custodian of a vehicle described in this section
29 shall allow the owner of the vehicle or a secured party to inspect

1 the vehicle during regular business hours at the location where the
2 vehicle is being held. The custodian of the vehicle may charge the
3 secured party a fee of not more than \$75.00 to inspect the vehicle
4 or, if the actual cost necessary to allow the inspection is greater
5 than \$75.00, the actual cost necessary to allow the inspection. If
6 the custodian of the vehicle charges the secured party more than
7 \$75.00 as provided in this subsection, the custodian shall provide
8 the secured party with an itemized invoice for the actual costs
9 assessed. The custodian of the vehicle shall allow the owner of the
10 vehicle to inspect the vehicle and retrieve personal property from
11 the vehicle without paying a fee for the first visit. After the
12 first visit by the owner to inspect the vehicle or retrieve
13 personal property from the vehicle as provided in this subsection,
14 the custodian may charge the owner of the vehicle a fee of not more
15 than \$25.00 for each subsequent visit.

16 (20) If the ownership of a vehicle that is considered
17 abandoned under this section cannot be determined either because of
18 the condition of the vehicle identification numbers or because a
19 check with the records of the secretary of state as described in
20 section 221 or 237 does not reveal ownership, the police agency may
21 sell the vehicle at public sale as provided in section 252g not
22 less than 30 days after public notice of the sale has been
23 published.

24 (21) The secretary of state shall release a vehicle for
25 disposition under section 252b or 252g within 45 days after the
26 vehicle is entered into the law enforcement information network as
27 an abandoned vehicle.

28 Sec. 252d. (1) ~~A~~**Except as provided in section 252n, a** police
29 agency or a governmental agency designated by the police agency may

1 provide for the immediate removal of a vehicle from public or
2 private property to a place of safekeeping at the expense of the
3 ~~last-titled~~**last titled** owner of the vehicle in any of the
4 following circumstances:

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

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

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

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

14 (e) If the vehicle must be seized to preserve evidence of a
15 crime, or if there is reasonable cause to believe that the vehicle
16 was used in the commission of a crime.

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

20 (g) If the vehicle is hampering the use of private property by
21 the owner or person in charge of that property or is parked in a
22 manner that impedes the movement of another vehicle.

23 (h) If the vehicle is stopped, standing, or parked in a space
24 designated as parking for persons with disabilities and is not
25 permitted by law to be stopped, standing, or parked in a space
26 designated as parking for persons with disabilities.

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

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

3 (k) If the vehicle has been involved in a traffic crash and
4 cannot be safely operated from the scene of the crash.

5 (2) Unless the vehicle is ordered to be towed by a police
6 agency or a governmental agency designated by a police agency under
7 subsection (1)(a), (d), (e), or (k) **and except as provided in**
8 **section 252n**, if the owner or other person who is legally entitled
9 to possess a vehicle to be towed or removed arrives at the location
10 where the vehicle is located before the actual towing or removal of
11 the vehicle, the vehicle ~~shall~~**must** be disconnected from the tow
12 truck, and the owner or other person who is legally entitled to
13 possess the vehicle may take possession of the vehicle and remove
14 it without interference upon the payment of the reasonable service
15 fee, for which a receipt ~~shall~~**must** be provided.

16 (3) A police agency that authorizes the removal of a vehicle
17 under subsection (1) shall do all of the following:

18 (a) Check to determine if the vehicle has been reported stolen
19 prior to authorizing the removal of the vehicle.

20 (b) Except for vehicles impounded under subsection (1)(d),
21 (e), or (k), a police agency shall enter the vehicle into the law
22 enforcement information network as abandoned not less than 7 days
23 after authorizing the removal and follow the procedures set forth
24 in section 252a.

25 (4) A vehicle impounded under subsection (1)(d), (e), or (k)
26 must first be released by the police agency that authorized the
27 removal prior to the towing agency or custodian releasing the
28 vehicle to the vehicle owner.

29 (5) Not less than 20 days but not more than 30 days after a

1 vehicle has been released under subsection (4), the towing agency
 2 or custodian shall notify the police agency to enter the vehicle as
 3 abandoned and the police agency shall follow the procedures set
 4 forth in section 252a if the impounded vehicle has not been
 5 redeemed.

6 Sec. 252i. (1) ~~A~~ **Except as otherwise provided in section 252n,**
 7 **a** towing service, custodian of a vehicle, or both, ~~shall~~ **must** not
 8 be precluded from the recovery of towing fees or, subject to
 9 subsection (2), storage fees from the last titled owner of a
 10 vehicle deemed abandoned under section 252a or section 252b, or
 11 removed under section 252d.

12 (2) If a vehicle is released for disposition under section
 13 252b or section 252g, the amount of storage fees that may be
 14 collected is whichever 1 of the following is the least amount:

15 (a) The daily storage rate established by contract or
 16 agreement with the law enforcement agency or unit of government
 17 that authorized the towing and storage of the vehicle.

18 (b) The daily storage rate charged by the storage facility.

19 (c) \$1,000.00.

20 (3) Subsection (2) does not apply to a commercial vehicle or
 21 to a vehicle that is owned or leased by an entity other than an
 22 individual.

23 **Sec. 252n. Notwithstanding any other provision of this act,**
 24 **the owner of a vehicle is not responsible for a towing, impound, or**
 25 **storage fee if the towing, impound, or storage fee is charged to**
 26 **remove or store a vehicle stolen from and not recovered by or in**
 27 **control of the owner.**

28 Sec. 673. (a) ~~Whenever any~~ **If a** police officer finds a vehicle
 29 standing ~~upon~~ **on** a highway in violation of the provisions of this

1 chapter, ~~such~~**the** officer is ~~hereby~~ authorized to remove ~~such~~**that**
2 vehicle, or **to** require the driver or other person in charge of the
3 vehicle to move the ~~same~~**vehicle** to a position off the paved or
4 improved or main traveled part of ~~such~~**the** highway.

5 (b) ~~Whenever any~~**If a** police officer finds a vehicle
6 unattended ~~upon any~~**on a** highway where ~~such~~**and the** vehicle
7 constitutes an obstruction to traffic, ~~such~~**the** officer is ~~hereby~~
8 authorized to provide for the removal of ~~such~~**that** vehicle to the
9 nearest garage or other place of safety.

10 (c) ~~The~~**Except as provided in section 252n, the** necessary
11 costs for ~~such~~**a** removal ~~shall~~**under this section must** become a
12 lien ~~upon such~~**on the** vehicle and the person into whose custody the
13 vehicle is given may retain it until the expenses involved have
14 been paid.