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**SFA****BILL ANALYSIS**

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Senate Bill 1000 (Substitute S-1 as enrolled)  
Sponsor: Senator Bill Bullard, Jr.  
Committee: Transportation and Tourism

Date Completed: 3-8-02

### **RATIONALE**

Under the Michigan Vehicle Code, if a vehicle has remained on public or private property for a period of time so that it appears to a police agency that the vehicle is abandoned, the police must determine if the vehicle has been reported stolen and put a written notice on it. The notice must contain certain information, including the date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if it is not removed. If the vehicle is not removed within a certain time after the notice was left on the vehicle, it is considered abandoned and the police agency may have the vehicle taken into custody. The deadline for removing a vehicle is 48 hours if it is on public or private property, or 24 hours if the vehicle is on a State trunk line highway. Apparently, there have been problems with abandoned vehicles and the length of time that they are parked on the shoulders of highways. Abandoned vehicles left on the sides of roadways can distract drivers, contribute to traffic congestion, and potentially cause serious accidents. Some people believe that the amount of time an abandoned vehicle is permitted to remain beside a highway before it is removed should be reduced so that highways can be cleared more quickly of these traffic hazards.

### **CONTENT**

The bill would amend the Michigan Vehicle Code to establish an 18-hour deadline for the removal of abandoned vehicles with valid registration plates from a State trunk line highway. If the abandoned vehicle did not contain a valid registration plate, it could be removed immediately.

MCL 257.252a

### **BACKGROUND**

Public Act 306 of 2000 amended the Michigan Vehicle Code to establish a 24-hour deadline for the removal of abandoned vehicles from a State trunk line highway. Previously, the deadline was 48 hours (which it still is for vehicles abandoned on private property or other public property). The Act required the Southeast Michigan Council of Governments (SEMCOG) to conduct a Statewide study in cooperation with the Michigan Department of Transportation (MDOT) and the Department of State Police to evaluate the impact of the change from 48 hours to 24 hours. The study had to be completed and returned to the chairpersons of the Senate and House standing committees that consider transportation and traffic-related issues within 12 months after the Act's effective date (i.e., by October 16, 2001). The study was to be based on the number of vehicles being towed, the value of the vehicles, the number of vehicles sold at public sale, and the number of owners who requested a hearing and the outcome of that hearing. The Act also requires the Senate and House standing committees and SEMCOG, MDOT, and the State Police to review the study and determine if it is feasible for the time a vehicle remains on a State trunk line highway before it is determined abandoned to be reduced from 24 hours to 12 hours.

### **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

#### **Supporting Argument**

Vehicles abandoned on the side of roads increase traffic congestion, slow the flow of traffic, and reduce the safety of traveling on

the State's highways, in both urban and rural areas. According to Department of Transportation officials, highways shoulders provide a "recovery zone" where motorists can steer their disabled vehicles or drive to avoid a hazard in the road. When abandoned vehicles are parked in these areas for long periods of time, the effectiveness of highway shoulders' serving as recovery zones is diminished, and the rate of accidents increases. According to the Abandoned Vehicle Study conducted by SEMCOG, in 1999 Michigan motorists hit 20,916 cars parked on road shoulders. Of these incidents, 12 crashes were fatal, 1,381 caused injuries, and about 19,500 resulted in property damage.

The safe flow of traffic along roadways also is reduced as drivers slow down and gawk at a vehicle or veer into another lane to avoid it. According to the Federal Highway Administration, motor vehicles on the side of the road can reduce traffic flow by as much as 25% during peak hours. Drivers of large trucks are particularly concerned because of the limited amount of space between a truck traveling in the lane adjacent to the shoulder and an abandoned vehicle. In addition, abandoned vehicles can make it difficult for emergency services to reach accidents. Some maintenance workers also have difficulty clearing roads of snow because of the vehicles parked on shoulders.

While drivers should be given time to have a disabled vehicle repaired or moved to another location, the longer a parked car remains on the side of a road, the greater the chance for accidents and highway congestion.

### **Opposing Argument**

If a car breaks down on the side of the road, motorists need time to make arrangements to move it. Eighteen hours is not enough time for a person with limited resources to borrow money for towing and repair.

**Response:** Many cities employ courtesy vans that patrol highways to assist stranded motorists with simple repairs and towing arrangements. Most vehicles on the sides of roads, however, are permanently abandoned by their owners because they are "junk cars", a point that is underscored by the SEMCOG study. During the study's time frame, from January to June 2000 and from January to June 2001, only 33% of abandoned cars were returned to their owners; the majority of them

were released to the towing company and sold for scrap or as parts to recoup the cost of towing. Less than 1% of the abandoned vehicles were sold to the public, and the average auction price for these vehicles was \$214. According to the study, not a single owner of an abandoned vehicle requested a hearing to contest the towing of his or her car. If a person's vehicle is towed, however, before he or she can raise the money to move it, the person can pay the towing company or police to retrieve it later.

Legislative Analyst: Claire Layman

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.