

REPRINT

SUBSTITUTE FOR

SENATE BILL NO. 1000

(As passed the Senate March 14, 2002)

A bill to amend 1949 PA 300, entitled  
"Michigan vehicle code,"  
by amending section 252a (MCL 257.252a), as amended by 2000  
PA 306.

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

1       Sec. 252a. (1) As used in this section, "abandoned vehicle"  
2 means a vehicle that has remained on public property or private  
3 property for a period of 48 hours, ~~or for a period of 24 hours~~  
4 ~~on a state trunk line highway as described in section 1 of 1951~~  
5 ~~PA 51, MCL 247.651,~~ after a police agency or other governmental  
6 agency designated by the police agency has affixed a written  
7 notice to the vehicle ~~—~~ OR ON A STATE TRUNK LINE HIGHWAY AS  
8 DESCRIBED IN SECTION 1 OF 1951 PA 51, MCL 247.651, AS FOLLOWS:  
9       (A) IF A VALID REGISTRATION PLATE IS AFFIXED TO THE VEHICLE,  
10 FOR A PERIOD OF 18 HOURS.

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1 (B) IF A VALID REGISTRATION PLATE IS NOT AFFIXED TO THE  
2 VEHICLE.

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

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

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

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

10 (ii) The name and address of the police agency taking the  
11 action.

12 (iii) The name and badge number of the police officer affix-  
13 ing the notice.

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

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

19 (3) If the vehicle is ~~not removed within 48 hours after the~~  
20 ~~date the notice was affixed or within 24 hours after the date the~~  
21 ~~notice was affixed in the case of a state trunk line highway, the~~  
22 ~~vehicle is considered abandoned and~~ AN ABANDONED VEHICLE, the  
23 police agency may have the vehicle taken into custody.

24 (4) A police agency that has a vehicle taken into custody  
25 shall do all of the following:

26 (a) Recheck to determine if the vehicle has been reported  
27 stolen.

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1           (b) Within 24 hours after taking the vehicle into custody,  
2 enter the vehicle as abandoned into the law enforcement informa-  
3 tion network.

4           (c) Within 7 days after taking the vehicle into custody,  
5 send to the registered owner and secured party, as shown by the  
6 records of the secretary of state, by first-class mail or per-  
7 sonal service, notice that the vehicle is considered abandoned.  
8 The form for the notice shall be furnished by the secretary of  
9 state. Each notice form shall contain the following  
10 information:

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

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

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

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

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

19           (vi) The procedure to redeem the vehicle.

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

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

26           (ix) A warning that the failure to redeem the vehicle or to  
27 request a hearing within 20 days after the date of the notice may

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1 result in the sale of the vehicle and the termination of all  
2 rights of the owner and the secured party to the vehicle or the  
3 proceeds of the sale.

4 (5) The registered owner may contest the fact that the vehi-  
5 cle is considered abandoned or the reasonableness of the towing  
6 fees and daily storage fees by requesting a hearing. A request  
7 for a hearing shall be made by filing a petition with the court  
8 specified in the notice within 20 days after the date of the  
9 notice. If the owner requests a hearing, the matter shall be  
10 resolved after a hearing conducted under sections 252e and 252f.  
11 An owner who requests a hearing may obtain release of the vehicle  
12 by posting a towing and storage bond in an amount equal to the  
13 accrued towing and storage fees with the court. The owner of a  
14 vehicle who requests a hearing may obtain release of the vehicle  
15 by paying the towing and storage fees instead of posting the  
16 towing and storage bond. If the court finds that the vehicle was  
17 not properly considered abandoned, the police agency shall reim-  
18 burse the owner of the vehicle for the accrued towing and storage  
19 fees.

20 (6) If the owner does not request a hearing, he or she may  
21 obtain the release of the vehicle by paying the accrued charges  
22 to the custodian of the vehicle.

23 (7) If the owner does not redeem the vehicle or request a  
24 hearing within 20 days after the date of the notice, the secured  
25 party may obtain the release of the vehicle by paying the accrued  
26 charges to the custodian of the vehicle and the police agency for  
27 its accrued costs.

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1           (8) Not less than 20 days after the disposition of the  
2 hearing described in subsection (5) or, if a hearing is not  
3 requested, not less than 20 days after the date of the notice,  
4 the police agency shall offer the vehicle for sale at a public  
5 sale pursuant to section 252g.

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

13           ~~(10) The southeast Michigan council of governments shall~~  
14 ~~conduct a statewide study in cooperation with the state transpor-~~  
15 ~~tation department and the department of state police to evaluate~~  
16 ~~the impact of the change from 48 hours to 24 hours in~~  
17 ~~subsections (1) and (4). The study shall be completed and~~  
18 ~~returned to the chairpersons of the senate and house standing~~  
19 ~~committees that consider transportation and traffic related~~  
20 ~~issues within 12 months after the effective date of the amenda-~~  
21 ~~tory act that added this subsection. The study shall be based on~~  
22 ~~the number of vehicles being towed, the value of the vehicle, the~~  
23 ~~number of vehicles sold at public sale, and the number of owners~~  
24 ~~who request a hearing and the outcome of that hearing. The~~  
25 ~~senate and house standing committees, and the southeast Michigan~~  
26 ~~council of governments, state transportation department, and the~~  
27 ~~department of state police shall review the study and determine~~

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- 1 ~~if it is feasible for the time a vehicle remains on a state trunk~~
- 2 ~~line highway before it is determined abandoned on a state trunk~~
- 3 ~~line highway to be reduced from 24 hours to 12 hours.~~