

HOUSE BILL No. 6118

May 23, 2002, Introduced by Reps. Koetje, Richardville, Mead, Kuipers, Daniels and Vander Veen and referred to the Committee on Civil Law and the Judiciary.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, and 252g (MCL 257.252a, 257.252b, 257.252d, and 257.252g), section 252a as amended by 2000 PA 306, section 252b as amended and section 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 252a. (1) As used in this section: ~~—, "abandoned~~
 2 (A) "PUBLIC PROPERTY ABANDONED vehicle" means a vehicle that
 3 has remained on public property ~~—or private property—~~ for a
 4 period of 48 hours or for a period of 24 hours on a state trunk
 5 line highway as described in section 1 of 1951 PA 51,
 6 MCL 247.651, after a police agency or other governmental agency
 7 designated by the police agency has affixed a written notice to
 8 the vehicle.

1 (B) "PRIVATE PROPERTY ABANDONED VEHICLE" MEANS A VEHICLE
2 THAT HAS REMAINED ON PRIVATE PROPERTY FOR A PERIOD OF 48 HOURS
3 AFTER A WRITTEN NOTICE HAS BEEN AFFIXED TO THE VEHICLE.

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

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

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

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

12 (ii) The name and address of the police agency taking the
13 action.

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

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

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

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

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

1 (a) Recheck to determine if the vehicle has been reported
2 stolen.

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

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

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

15 (ii) The location from which the vehicle was taken into
16 custody.

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

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

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

21 (vi) The procedure to redeem the vehicle.

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

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

1 (ix) A warning that the failure to redeem the vehicle or to
2 request a hearing within 20 days after the date of the notice may
3 result in the sale of the vehicle and the termination of all
4 rights of the owner and the secured party to the vehicle or the
5 proceeds of the sale.

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

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

25 (7) If the owner does not redeem the vehicle or request a
26 hearing within 20 days after the date of the notice, the secured
27 party may obtain the release of the vehicle by paying the accrued

1 charges to the custodian of the vehicle and the police agency for
2 its accrued costs.

3 (8) IF A VEHICLE HAS REMAINED ON PRIVATE PROPERTY FOR A
4 PERIOD OF TIME SO THAT IT APPEARS TO THE OWNER OF THE PRIVATE
5 PROPERTY TO BE ABANDONED, THE OWNER OF THE PRIVATE PROPERTY SHALL
6 AFFIX OR CAUSE TO BE AFFIXED A WRITTEN NOTICE TO THE VEHICLE.
7 THE WRITTEN NOTICE SHALL CONTAIN THE FOLLOWING INFORMATION:

8 (A) THE DATE AND TIME THE WRITTEN NOTICE WAS AFFIXED.

9 (B) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF THE PROPERTY
10 OWNER TAKING THE ACTION.

11 (C) THE DATE AND TIME THE VEHICLE MAY BE TAKEN INTO CUSTODY
12 AND STORED AT THE OWNER'S EXPENSE OR SCRAPPED IF THE VEHICLE IS
13 NOT REMOVED.

14 (D) THE YEAR, MAKE, AND VEHICLE IDENTIFICATION NUMBER OF THE
15 VEHICLE, IF AVAILABLE.

16 (9) IF THE VEHICLE IS NOT REMOVED WITHIN 48 HOURS AFTER THE
17 DATE THE NOTICE WAS AFFIXED, THE VEHICLE IS CONSIDERED ABANDONED
18 AND THE OWNER OF THE PRIVATE PROPERTY MAY HAVE THE VEHICLE TAKEN
19 INTO CUSTODY.

20 (10) BEFORE REMOVING THE VEHICLE FROM PRIVATE PROPERTY, THE
21 TOWING SERVICE SHALL NOTIFY A POLICE AGENCY TO DETERMINE IF THE
22 VEHICLE HAS BEEN REPORTED STOLEN AND HAVE THE VEHICLE ENTERED
23 INTO THE LAW ENFORCEMENT INFORMATION NETWORK AS AN ABANDONED
24 VEHICLE.

25 (11) WITHIN 24 HOURS AFTER TAKING THE ABANDONED VEHICLE INTO
26 CUSTODY, THE CUSTODIAN SHALL NOTIFY A COURT OFFICER FROM WITHIN

1 THE JURISDICTION FROM WHERE THE VEHICLE WAS TOWED OF THE LOCATION
2 OF THE ABANDONED VEHICLE.

3 (12) WITHIN 7 DAYS AFTER BEING NOTIFIED, THE COURT OFFICER
4 SHALL SEND TO THE REGISTERED OWNER AND SECURED PARTY, AS SHOWN BY
5 THE RECORDS OF THE SECRETARY OF STATE, BY FIRST-CLASS MAIL OR
6 PERSONAL SERVICE, NOTICE THAT THE VEHICLE IS CONSIDERED
7 ABANDONED. THE FORM FOR THE NOTICE SHALL BE FURNISHED BY THE
8 SECRETARY OF STATE. EACH NOTICE FORM SHALL CONTAIN THE FOLLOWING
9 INFORMATION:

10 (A) THE YEAR, MAKE, AND VEHICLE IDENTIFICATION NUMBER OF THE
11 VEHICLE IF AVAILABLE.

12 (B) THE LOCATION FROM WHICH THE VEHICLE WAS TAKEN INTO
13 CUSTODY.

14 (C) THE DATE ON WHICH THE VEHICLE WAS TAKEN INTO CUSTODY.

15 (D) THE NAME AND ADDRESS OF THE PRIVATE PROPERTY OWNER OR
16 TOWING SERVICE THAT HAD THE VEHICLE TAKEN INTO CUSTODY.

17 (E) THE BUSINESS ADDRESS OF THE CUSTODIAN OF THE VEHICLE.

18 (F) THE PROCEDURE TO REDEEM THE VEHICLE.

19 (G) 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 (H) 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 (I) 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

1 RIGHTS OF THE OWNER AND THE SECURED PARTY TO THE VEHICLE OR THE
2 PROCEEDS OF THE SALE.

3 (13) THE REGISTERED OWNER MAY CONTEST THE FACT THAT THE
4 VEHICLE IS CONSIDERED ABANDONED OR THE REASONABLENESS OF THE
5 TOWING FEES AND DAILY STORAGE FEES BY REQUESTING A HEARING. A
6 REQUEST FOR A HEARING SHALL BE MADE BY FILING A PETITION WITH THE
7 COURT SPECIFIED IN THE NOTICE WITHIN 20 DAYS AFTER THE DATE OF
8 THE NOTICE. IF THE OWNER REQUESTS A HEARING, THE MATTER SHALL BE
9 RESOLVED AFTER A HEARING CONDUCTED UNDER SECTIONS 252E AND 252F.
10 AN OWNER WHO REQUESTS A HEARING MAY OBTAIN RELEASE OF THE VEHICLE
11 BY POSTING A TOWING AND STORAGE BOND IN AN AMOUNT EQUAL TO THE
12 ACCRUED TOWING AND STORAGE FEES WITH THE COURT. THE OWNER OF A
13 VEHICLE WHO REQUESTS A HEARING MAY OBTAIN RELEASE OF THE VEHICLE
14 BY PAYING THE TOWING AND STORAGE FEES INSTEAD OF POSTING THE
15 TOWING AND STORAGE BOND.

16 (14) IF THE OWNER DOES NOT REQUEST A HEARING, HE OR SHE MAY
17 OBTAIN THE RELEASE OF THE VEHICLE BY PAYING THE ACCRUED CHARGES
18 TO THE CUSTODIAN OF THE VEHICLE.

19 (15) IF THE OWNER DOES NOT REDEEM THE VEHICLE OR REQUEST A
20 HEARING WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE, THE SECURED
21 PARTY MAY OBTAIN THE RELEASE OF THE VEHICLE BY PAYING THE ACCRUED
22 CHARGES TO THE CUSTODIAN OF THE VEHICLE FOR ITS ACCRUED COSTS.

23 (16) ~~(8) Not~~ SUBJECT TO SUBSECTION (17), NOT less than 20
24 days after the disposition of the hearing described in subsection
25 (5) or, if a hearing is not requested, not less than 20 days
26 after the date of the notice, the police agency IF THE ABANDONED
27 VEHICLE IS FOUND ON PUBLIC PROPERTY OR, EXCEPT AS PROVIDED IN

1 SUBSECTION (17), A COURT OFFICER IF THE VEHICLE IS FOUND ON
2 PRIVATE PROPERTY shall offer the vehicle for sale at a public
3 sale pursuant to section 252g.

4 (17) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (16) PER-
5 TAINING TO THE SALE OF ABANDONED VEHICLES, A LOCAL UNIT OF GOV-
6 ERNMENT THAT MAINTAINS A VEHICLE STORAGE OR IMPOUND LOT FOR ABAN-
7 DONED VEHICLES MAY ADOPT AN ORDINANCE THAT REQUIRES THAT THE
8 PUBLIC SALE OF ABANDONED VEHICLES FOUND ON PRIVATE PROPERTY BE
9 CONDUCTED BY A COURT OFFICER OF A COURT WITHIN THE JURISDICTION
10 OF THE LOCAL UNIT OF GOVERNMENT IN THE SAME MANNER AS PRESCRIBED
11 UNDER SECTION 252G. IN THE ABSENCE OF AN ORDINANCE AUTHORIZED
12 UNDER THIS SUBSECTION, THE POLICE AGENCY OF A LOCAL UNIT OF GOV-
13 ERNMENT SHALL OFFER THE VEHICLE FOR SALE.

14 (18) ~~(9)~~ If the ownership of a vehicle that is considered
15 abandoned under this section cannot be determined either because
16 of the condition of the vehicle identification numbers or because
17 a check with the records of the secretary of state does not
18 reveal ownership, the police agency OR COURT OFFICER may sell the
19 vehicle at A public sale pursuant to section 252g, not less than
20 30 days after public notice of the sale has been published.

21 ~~(10) The southeast Michigan council of governments shall~~
22 ~~conduct a statewide study in cooperation with the state transpor-~~
23 ~~tation department and the department of state police to evaluate~~
24 ~~the impact of the change from 48 hours to 24 hours in~~
25 ~~subsections (1) and (4). The study shall be completed and~~
26 ~~returned to the chairpersons of the senate and house standing~~
27 ~~committees that consider transportation and traffic related~~

1 ~~issues within 12 months after the effective date of the~~
2 ~~amendatory act that added this subsection. The study shall be~~
3 ~~based on the number of vehicles being towed, the value of the~~
4 ~~vehicle, the number of vehicles sold at public sale, and the~~
5 ~~number of owners who request a hearing and the outcome of that~~
6 ~~hearing. The senate and house standing committees, and the~~
7 ~~southeast Michigan council of governments, state transportation~~
8 ~~department, and the department of state police shall review the~~
9 ~~study and determine if it is feasible for the time a vehicle~~
10 ~~remains on a state trunk line highway before it is determined~~
11 ~~abandoned on a state trunk line highway to be reduced from 24~~
12 ~~hours to 12 hours.~~

13 Sec. 252b. (1) As used in this section:

14 (a) "Registered abandoned scrap vehicle" means a vehicle
15 ~~which~~ THAT meets all of the following requirements:

16 (i) Is on public or private property.

17 (ii) Is 7 or more years old.

18 (iii) Is apparently inoperable or is extensively damaged, to
19 the extent that the cost of repairing the vehicle so that it is
20 operational and safe as required by section 683 would exceed the
21 fair market value of that vehicle.

22 (iv) Is currently registered in the state of Michigan or
23 displays current year registration plates from another state.

24 (v) Is not removed within 48 hours after a written notice as
25 described in section 252a(2)(b) is affixed to the vehicle.

26 (b) "Unregistered abandoned scrap vehicle" means a vehicle
27 ~~which~~ THAT meets all of the following requirements:

1 (i) Is on public or private property.

2 (ii) Is 7 or more years old.

3 (iii) Is apparently inoperable or is extensively damaged, to
4 the extent that the cost of repairing the vehicle so that it is
5 operational and safe as required by section 683 — would exceed
6 the fair market value of that vehicle.

7 (iv) Is not currently registered in this state and does not
8 display current year registration plates from another state.

9 (v) Is not removed within 48 hours after a written notice as
10 described in section 252a(2)(b) is affixed to the vehicle.

11 (2) A police agency may have an unregistered abandoned scrap
12 vehicle taken into custody, in which case the police agency shall
13 do all of the following:

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

15 (b) Take 2 photographs of the vehicle.

16 (c) Make a report to substantiate the vehicle as an unregis-
17 tered abandoned scrap vehicle. The report shall contain the fol-
18 lowing information:

19 (i) The year, make, and vehicle identification number if
20 available.

21 (ii) The date of abandonment.

22 (iii) The location of abandonment.

23 (iv) A detailed listing of the damage or the missing
24 equipment.

25 (v) The reporting officer's name and title.

26 (vi) The location where the vehicle is being held.

1 (d) Within 24 hours after taking the vehicle into custody,
2 enter the vehicle into the law enforcement information network.

3 (3) Within 24 hours, excluding Saturday, Sunday, and legal
4 holidays, after taking the vehicle into custody, the police
5 agency OR COURT OFFICER, AS APPROPRIATE, shall complete a release
6 form and release the vehicle to the towing service or a used
7 vehicle parts dealer or vehicle scrap metal processor, who shall
8 then transmit that release form to the secretary of state and
9 apply for a certificate of the title or a certificate of
10 scrapping. Upon receipt of the release form and application, the
11 secretary of state shall issue a certificate of title or a cer-
12 tificate of scrapping.

13 (4) The release form described in subsection (3) shall be
14 furnished by the secretary of state and shall include a certifi-
15 cation executed by the applicable police agency OR COURT OFFICER,
16 AS APPROPRIATE, when the abandoned scrap vehicle is released.
17 The certification shall state that the police agency has complied
18 with all the requirements of subsection (2)(b) and (c).

19 (5) The secretary of state shall retain the records relating
20 to an abandoned scrap vehicle for not less than 2 years. The 2
21 photographs taken pursuant to subsection (2)(b) shall be retained
22 by the police agency OR COURT OFFICER for not less than 2 years.
23 After the certificate of scrapping has been issued, a certificate
24 of title for the vehicle shall not be issued again.

25 (6) A police agency OR PRIVATE PROPERTY OWNER may have a
26 registered abandoned scrap vehicle taken into custody, in which

1 case the police agency OR THE TOWING SERVICE shall do all of the
2 following:

3 (a) Determine if the vehicle has been REPORTED stolen.

4 (b) Take 2 photographs of the vehicle.

5 (c) Make a report to substantiate the vehicle as a regis-
6 tered abandoned scrap vehicle. The report shall contain the fol-
7 lowing information:

8 (i) The year, make, and vehicle identification number if
9 available.

10 (ii) The date of abandonment.

11 (iii) The location of abandonment.

12 (iv) A detailed listing of the damage or the missing
13 equipment.

14 (v) The reporting ~~officer's~~ INDIVIDUAL'S name and title.

15 (vi) The location where the vehicle is being held.

16 (d) Within 24 hours after taking the vehicle into custody,
17 ~~enter~~ CAUSE the vehicle TO BE ENTERED into the law enforcement
18 information network.

19 (e) Within 7 days after taking the vehicle into custody,
20 send to the registered owner and secured party, as shown by the
21 records of the secretary of state, by first-class mail or per-
22 sonal service, notice that the vehicle ~~has been deemed~~ IS
23 CONSIDERED abandoned. The form for the notice shall be furnished
24 by the secretary of state. Each notice form shall contain the
25 following information:

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

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

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

4 (iv) The name and address of the police agency ~~which~~ OR
5 THE PRIVATE PROPERTY OWNER THAT had the vehicle taken into
6 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
10 ~~has been deemed~~ IS CONSIDERED abandoned or the reasonableness
11 of the towing fees and daily storage fees.

12 (viii) A form petition which the owner may file in person or
13 by mail with the specified court which requests a hearing on the
14 ~~police agency's action~~ CUSTODY OF THE VEHICLE.

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 termination of all rights of the owner and the
18 secured party to the vehicle.

19 (7) The registered owner of a registered abandoned scrap
20 vehicle may contest the fact that the vehicle ~~has been deemed~~
21 IS CONSIDERED abandoned or the reasonableness of the towing fees
22 and daily storage fees by requesting a hearing. A request for a
23 hearing shall be made by filing a petition with the court speci-
24 fied in the notice within 20 days after the date of the notice.
25 If the owner requests a hearing, the matter shall be resolved
26 after a hearing conducted pursuant to sections 252e and 252f. An
27 owner who requests a hearing may obtain release of the vehicle by

1 posting a towing and storage bond with the court in an amount as
2 determined by the court. The owner of a vehicle who requests a
3 hearing may obtain release of the vehicle by paying the towing
4 and storage fees instead of posting the towing and storage bond.

5 ~~If the court finds that the vehicle was not properly deemed~~
6 ~~abandoned, the police agency shall reimburse the owner of the~~
7 ~~vehicle for the accrued towing and storage fees.~~

8 (8) If the owner does not request a hearing, he or she may
9 obtain the release of the vehicle by paying the accrued charges
10 to the custodian of the vehicle.

11 (9) If the owner does not redeem the vehicle or request a
12 hearing within 20 days after the date of the notice, the secured
13 party may obtain the release of the vehicle by paying the accrued
14 charges to the custodian of the vehicle.

15 (10) Not less than 20 days after the disposition of the
16 hearing described in subsection (7), or if a hearing is not
17 requested, not less than 20 days after the date of the notice
18 described in subsection (6)(e), the police agency OR COURT
19 OFFICER shall follow the procedures established in subsections
20 (3) to (5).

21 Sec. 252d. (1) A police agency or a governmental agency
22 designated by the police agency may provide for the immediate
23 removal of a vehicle from public or private property to a place
24 of safekeeping at the expense of the registered owner of the
25 vehicle in any of the following circumstances:

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

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

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

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

10 (e) If the vehicle must be seized to preserve evidence of a
11 crime, or when there is reasonable cause to believe that the
12 vehicle was used in the commission of a crime.

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

16 (g) If the vehicle is hampering the use of private property
17 by the owner or person in charge of that property or is parked in
18 a manner which impedes the movement of another vehicle.

19 (h) If the vehicle is stopped, standing, or parked in a
20 space designated as parking for persons with disabilities and is
21 not permitted by law to be stopped, standing, or parked in a
22 space designated as parking for persons with disabilities.

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

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

1 (2) A police agency which authorizes the removal of a
2 vehicle under subsection (1) shall do all of the following:

3 (a) Check to determine if the vehicle has been reported
4 stolen.

5 (b) Within 24 hours after removing the vehicle, enter the
6 vehicle into the law enforcement information network if the vehi-
7 cle has not been redeemed. This subdivision does not apply to a
8 vehicle that is removed from the scene of a motor vehicle traffic
9 accident.

10 (c) If the vehicle has not been redeemed within 10 days
11 after moving the vehicle, send to the registered owner and the
12 secured party as shown by the records of the secretary of state,
13 by first-class mail or personal service, a notice that the vehi-
14 cle has been removed; however, if the police agency OR COURT
15 OFFICER informs the owner or operator of the vehicle of the
16 removal and the location of the vehicle within 24 hours after the
17 removal, and if the vehicle has not been redeemed within 30 days
18 and upon complaint from the towing service, the police agency OR
19 COURT OFFICER shall send the notice within 30 days after the
20 removal. The notice shall be by a form furnished by the secre-
21 tary of state. The notice form shall contain the following
22 information:

23 (i) The year, make, and vehicle identification number of the
24 vehicle.

25 (ii) The location from which the vehicle was taken into
26 custody.

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

2 (iv) The name and address of the police agency ~~which~~ THAT
3 had the vehicle taken into custody.

4 (v) The location where the vehicle is being held.

5 (vi) The procedure to redeem the vehicle.

6 (vii) The procedure to contest the fact that the vehicle was
7 properly removed or the reasonableness of the towing and daily
8 storage fees.

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

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

17 (3) The registered owner may contest the fact that the vehi-
18 cle was properly removed or the reasonableness of the towing fees
19 and daily storage fees by requesting a hearing. A request for a
20 hearing shall be made by filing a petition with the court speci-
21 fied in the notice within 20 days after the date of the notice.
22 If the owner requests a hearing, the matter shall be resolved
23 after a hearing conducted pursuant to sections 252e and 252f. An
24 owner who requests a hearing may obtain release of the vehicle by
25 posting a towing and storage bond with the court in an amount
26 equal to the accrued towing and storage fees. The owner of a
27 vehicle who requests a hearing may obtain release of the vehicle

1 by paying the towing and storage fees instead of posting the
2 towing and storage bond. ~~If the court finds that the vehicle~~
3 ~~was not properly removed, the police agency shall reimburse the~~
4 ~~owner of the vehicle for the accrued towing and storage fees.~~

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

8 (5) If the owner does not redeem the vehicle or request a
9 hearing within 20 days, the secured party may obtain the release
10 of the vehicle by paying the accrued charges to the custodian of
11 the vehicle prior to the date of the sale.

12 (6) Not less than 20 days after the disposition of the hear-
13 ing described in subsection (3), or if a hearing is not
14 requested, not less than 20 days after the date of the notice
15 described in subsection (2)(c), the police agency OR THE COURT
16 OFFICER shall offer the vehicle for sale at a public sale unless
17 the vehicle is redeemed. The public sale shall be held pursuant
18 to section 252g.

19 (7) If the ownership of a vehicle that was removed under
20 this section cannot be determined either because of the condition
21 of the vehicle identification numbers or because a check with the
22 records of the secretary of state does not reveal ownership, the
23 police agency OR THE COURT OFFICER may sell the vehicle at public
24 sale pursuant to section 252g, not less than 30 days after public
25 notice of the sale has been published.

26 Sec. 252g. (1) ~~A~~ SUBJECT TO SECTION 252A(16) OR (17), A
27 public sale for a vehicle which has been ~~deemed~~ CONSIDERED

1 abandoned under section 252a or 252c or removed under section
2 252d shall be conducted in the following manner:

3 (a) It shall be under the control of the police agency or
4 agent of the police agency OR A COURT OFFICER.

5 (b) It shall be open to the public and consist of open auc-
6 tion bidding or bidding by sealed bids. If sealed bids are
7 received, the person submitting the bid shall receive a receipt
8 for the bid from the police agency, ~~or~~ agent of the police
9 agency, OR THE COURT OFFICER IF BEING SOLD UNDER SECTION 252A(16)
10 OR (17).

11 (c) Except as provided by sections ~~252a(9)~~ 252A(16) OR
12 (17) and 252d(7), it shall be held not less than 5 days after
13 public notice of the sale has been published.

14 (d) The public notice shall be published at least once in a
15 newspaper having a general circulation within the county in which
16 the vehicle was abandoned. The public notice shall give a
17 description of the vehicle for sale and shall state the time,
18 date, and location of the sale.

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

21 (a) Towing and storage charges.

22 (b) Expenses incurred by the police agency OR THE COURT
23 OFFICER.

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

26 (d) Remainder to the owner. A reasonable attempt shall be
27 made to mail the remainder to the registered owner. If delivery

1 of the remainder cannot be accomplished, the remainder shall
2 become the property of the unit of government that the police
3 agency represents.

4 (3) If there are no bidders on the vehicle, the police
5 agency OR THE COURT OFFICER may do 1 of the following:

6 (a) Turn the vehicle over to the towing firm OR THE CUSTO-
7 DIAN OF THE VEHICLE to satisfy charges against the vehicle.

8 (b) Obtain title to the vehicle for the police agency or the
9 unit of government the police agency represents, by doing the
10 following:

11 (i) Paying the towing and storage charges.

12 (ii) Applying for title to the vehicle.

13 (c) Hold another public sale pursuant to subsection (1).

14 (4) A person who acquires ownership of a vehicle under sub-
15 section (1) or (3), which vehicle has been designated as a dis-
16 tressed vehicle, shall make application for a salvage certificate
17 of title within 15 days after obtaining the vehicle.

18 (5) Upon disposition of the vehicle, the police agency shall
19 cancel the entry into the law enforcement information network.