

Traffic control; other; 12-hour limitation for removal of certain vehicles from a state trunk line highway; provide for.

TRAFFIC CONTROL: Other; VEHICLES: Abandoned; HIGHWAYS: Other

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~~ 12
4 hours on a state trunk line highway as described in section 1 of
5 1951 PA 51, MCL 247.651, after a police agency or other govern-
6 mental agency designated by the police agency has affixed a writ-
7 ten notice to the vehicle.

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

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

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

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

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

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

9 (iv) 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
11 not removed.

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

14 (3) If the vehicle is not removed within 48 hours after the
15 date the notice was affixed or within ~~24~~ 12 hours after the
16 date the notice was affixed in the case of a state trunk line
17 highway, the vehicle is considered abandoned and the police
18 agency may have the vehicle taken into custody.

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

21 (a) Recheck to determine if the vehicle has been reported
22 stolen.

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

26 (c) Within 7 days after taking the vehicle into custody,
27 send to the registered owner and secured party, as shown by the

1 records of the secretary of state, by first-class mail or
2 personal service, notice that the vehicle is considered
3 abandoned. The form for the notice shall be furnished by the
4 secretary of state. Each notice form shall contain the following
5 information:

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

8 (ii) The location from which the vehicle was taken into
9 custody.

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

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

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

14 (vi) The procedure to redeem the vehicle.

15 (vii) The procedure to contest the fact that the vehicle is
16 considered abandoned or the reasonableness of the towing fees and
17 daily storage fees.

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

21 (ix) A warning that the failure to redeem the vehicle or to
22 request a hearing within 20 days after the date of the notice may
23 result in the sale of the vehicle and the termination of all
24 rights of the owner and the secured party to the vehicle or the
25 proceeds of the sale.

26 (5) The registered owner may contest the fact that the
27 vehicle is considered abandoned or the reasonableness of the

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

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

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

23 (8) Not less than 20 days after the disposition of the hear-
24 ing described in subsection (5) or, if a hearing is not
25 requested, not less than 20 days after the date of the notice,
26 the police agency shall offer the vehicle for sale at a public
27 sale pursuant to section 252g.

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

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