

HOUSE BILL No. 4500

March 15, 2005, Introduced by Reps. Pastor, Amos and Garfield and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 252a (MCL 257.252a), as amended by 2004 PA 495,
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
3 responsible for abandoning the vehicle unless the person provides a
4 record of sale as that term is defined in section 240. A person who
5 violates this subsection and who fails to redeem the vehicle before
6 disposition of the vehicle under section 252g is responsible for a
7 civil infraction and shall be ordered to pay a civil fine of
8 \$50.00.

1 (2) As used in this section and sections 252a through 252l,
2 "abandoned vehicle" means either of the following:

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

5 (b) ~~—A~~ **SUBJECT TO SECTION 252N, A** vehicle that has remained
6 on public property for a period of not less than 48 hours, or on a
7 state trunk line highway as described in section 1 of 1951 PA 51,
8 MCL 247.651, as follows:

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

11 (ii) If a valid registration plate is not affixed to the
12 vehicle.

13 (3) If a vehicle has remained on public property for the
14 period of time described in subsection (2)(b) so that it qualifies
15 as abandoned, a police agency having jurisdiction over the vehicle
16 or the agency's designee shall determine whether the vehicle has
17 been reported stolen and may affix a written notice to the vehicle.
18 The written notice shall contain the following information:

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

20 (b) The name and address of the police agency taking the
21 action.

22 (c) The name and badge number of the police officer affixing
23 the notice.

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

27 (e) The year, make, and vehicle identification number of the

1 vehicle, if available.

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

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

7 (a) Recheck to determine if the vehicle has been reported
8 stolen.

9 (b) Within 24 hours after the vehicle is taken into custody,
10 enter the vehicle as abandoned into the law enforcement information
11 network, and notify the secretary of state through the law
12 enforcement information network that the vehicle has been taken
13 into custody as abandoned. Each notification shall contain the
14 following information:

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

17 (ii) The address or approximate location from which the vehicle
18 was taken into custody.

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

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

22 (v) The name and business address of the custodian of the
23 vehicle.

24 (vi) The name of the court that has jurisdiction over the case.

25 (c) Within 7 days after receiving notice under subdivision (b)
26 that the vehicle has been taken into custody, the secretary of
27 state shall do both of the following:

1 (i) Send to the last titled owner and secured party, as shown
2 by the records of the secretary of state as described in section
3 221 or 237, by first-class mail or personal service, notice that
4 the vehicle is considered abandoned. The form for the notice shall
5 be furnished by the secretary of state. Each notice form shall
6 contain the following information:

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

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

11 (C) The date on which the vehicle was taken into custody.

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

14 (E) The name and business address of the custodian of the
15 vehicle.

16 (F) The procedure to redeem the vehicle.

17 (G) The procedure to contest the fact that the vehicle is
18 considered abandoned or the reasonableness of the towing fees and
19 daily storage fees.

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

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

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

7 (6) The owner may contest the fact that the vehicle is
8 considered abandoned or the reasonableness of the towing fees and
9 daily storage fees by requesting a hearing. A request for a hearing
10 shall be made by filing a petition with the court specified in the
11 notice described in subsection (5)(c) within 20 days after the date
12 of the notice. If the owner requests a hearing, the matter shall be
13 resolved after a hearing conducted under sections 252e and 252f. An
14 owner who requests a hearing may obtain release of the vehicle by
15 posting a towing and storage bond in an amount equal to the \$40.00
16 plus the accrued towing and storage fees with the court. The owner
17 of a vehicle who requests a hearing may obtain release of the
18 vehicle by paying a fee of \$40.00 to the court and the accrued
19 towing and storage fees instead of posting the towing and storage
20 bond.

21 (7) If the owner does not request a hearing under subsection
22 (6), he or she may obtain the release of the vehicle by paying a
23 fee of \$40.00 and the accrued towing and storage fees to the
24 custodian of the vehicle. The custodian of the vehicle shall
25 forward \$25.00 of the fee to the secretary of state within 30 days
26 after receipt in a manner prescribed by the secretary of state, who
27 shall deposit the fee into the abandoned vehicle fund created in

1 section 252h.

2 (8) If the owner does not redeem the vehicle or request a
3 hearing within 20 days after the date of the notice described in
4 subsection (5)(c), the secured party may obtain the release of the
5 vehicle by paying a \$40.00 fee plus the accrued charges to the
6 custodian of the vehicle. The custodian of the vehicle shall
7 forward \$25.00 of the fee to the secretary of state, who shall
8 deposit the fee into the abandoned vehicle fund created in section
9 252h.

10 (9) ~~If~~ **SUBJECT TO SECTION 252N, IF** a vehicle has remained on
11 private property without the consent of the property owner, the
12 owner of the private property may have the vehicle taken into
13 custody as an abandoned vehicle by contacting a local towing
14 agency.

15 (10) Before removing the vehicle from private property, the
16 towing agency shall notify a police agency having jurisdiction over
17 the vehicle that the vehicle is being removed. The police agency
18 shall determine if the vehicle has been reported stolen and have
19 the vehicle entered into the law enforcement information network as
20 an abandoned vehicle.

21 (11) Within 24 hours after taking the abandoned vehicle into
22 custody, the police agency shall notify the secretary of state
23 through the law enforcement information network that the vehicle
24 has been taken into custody as abandoned. Each notification shall
25 contain the following information:

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

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

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

4 (d) The name and address of the police agency that had the
5 vehicle taken into custody.

6 (e) The name and business address of the custodian of the
7 vehicle.

8 (f) The name of the court that has jurisdiction over the case.

9 (12) Within 7 days after being notified under subsection (11),
10 the secretary of state shall do both of the following:

11 (a) Send to the owner and secured party, as shown by the
12 records of the secretary of state, by first-class mail or personal
13 service, notice that the vehicle is considered abandoned. The form
14 for the notice shall be furnished by the secretary of state. Each
15 notice form shall contain the following information:

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

18 (ii) The location from which the vehicle was taken into
19 custody.

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

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

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

24 (vi) The procedure to redeem the vehicle.

25 (vii) The procedure to contest the fact that the vehicle is
26 considered abandoned or the reasonableness of the towing fees and
27 daily storage fees.

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

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

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

12 (13) The owner may contest the fact that the vehicle is
13 abandoned or, unless the towing fees and daily storage fees are
14 established by contract with the local governmental unit or local
15 law enforcement agency and comply with section 252i, the
16 reasonableness of the towing fees and daily storage fees by
17 requesting a hearing. A request for a hearing shall be made by
18 filing a petition with the court specified in the notice within 20
19 days after the date of the notice. If the owner requests a hearing,
20 the matter shall be resolved after a hearing conducted under
21 section 252f. An owner who requests a hearing may obtain release of
22 the vehicle by posting with the court a towing and storage bond in
23 an amount equal to \$40.00 plus the accrued towing and storage fees.
24 The owner of a vehicle who requests a hearing may obtain release of
25 the vehicle by paying a fee of \$40.00 to the court plus the towing
26 and storage fees instead of posting the towing and storage bond.

27 (14) If the owner does not request a hearing, he or she may

1 obtain the release of the vehicle by paying a fee of \$40.00 plus
2 the accrued charges to the custodian of the vehicle. The custodian
3 shall forward \$25.00 of the fee collected under this subsection to
4 the secretary of state within 30 days after receipt in a manner
5 prescribed by the secretary of state, who shall deposit the fee
6 into the abandoned vehicle fund created in section 252h.

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

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

23 (17) If the ownership of a vehicle that is considered
24 abandoned under this section cannot be determined either because of
25 the condition of the vehicle identification numbers or because a
26 check with the records of the secretary of state as described in
27 section 221 or 237 does not reveal ownership, the police agency may

1 sell the vehicle at public sale as provided in section 252g not
2 less than 30 days after public notice of the sale has been
3 published.

4 (18) The secretary of state shall release a vehicle for
5 disposition under section 252b or 252g within 45 days after the
6 vehicle is entered into the law enforcement information network as
7 an abandoned vehicle.

8 SEC. 252N. (1) AN OWNER OF PRIVATE PROPERTY THAT IS OPEN TO
9 THE PUBLIC FOR BUSINESS PURPOSES, OR HIS OR HER AGENT, SHALL NOT
10 TOW OR CAUSE A VEHICLE TO BE TOWED FROM THAT PROPERTY DURING NORMAL
11 BUSINESS HOURS UNLESS THE OWNER OR AGENT OF THAT PROPERTY HAS
12 PLACED A SIGN ON THE PROPERTY THAT IS VISIBLE AND LEGIBLE FROM THE
13 LOCATION ON WHICH THE VEHICLE TO BE TOWED IS LOCATED STATING THAT
14 VEHICLES ON THAT PROPERTY ARE SUBJECT TO BEING TOWED. A SIGN
15 SUBSTANTIALLY STATING EITHER OF THE FOLLOWING MEETS THE
16 REQUIREMENTS OF THIS SECTION:

17 (A) PRIVATE PROPERTY; UNAUTHORIZED VEHICLES WILL BE TOWED.

18 (B) PARKING FOR CUSTOMERS ONLY.

19 (2) AN OWNER OF PRIVATE PROPERTY, OR HIS OR HER AGENT, WHO
20 TOWS OR CAUSES A VEHICLE TO BE TOWED IN VIOLATION OF THIS SECTION
21 IS LIABLE TO THE OWNER OF THE VEHICLE FOR THE ACTUAL COSTS OF
22 TOWING AND STORING THE VEHICLE, INCLUDING ANY FEES OR PENALTIES
23 ARISING OUT OF THAT TOWING OR STORAGE.