

Legislative Analysis



TOWED VEHICLE INFORMATION IN LEIN SYSTEM

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House Bill 4960 (H-1) as reported from committee

Sponsor: Rep. Andrew Fink

Committee: Transportation

Complete to 11-30-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4960 would amend the Michigan Vehicle Code to require a police agency to enter vehicles into the Law Enforcement Information Network (LEIN)¹ within 24 hours after they have been ordered impounded or deemed abandoned.

The act currently allows a police agency or a governmental agency designated by the police agency to provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the owner under certain circumstances (e.g., the vehicle is parked in a way that obstructs traffic). The police agency first must check to determine whether the vehicle has been reported stolen. Seven or more days after authorizing the vehicle's removal, the police agency must enter the vehicle into LEIN as abandoned unless the vehicle was impounded for any of the following reasons:

- There is reasonable cause to believe that the vehicle or any part of it is stolen.
- The vehicle must be seized to preserve evidence of a crime or there is reasonable cause to believe that it was used in the commission of a crime.
- The vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.

A vehicle that was impounded for any of the reasons listed above must be released by the police agency that authorized the removal before the towing agency or custodian can release the vehicle to its owner. If the impounded vehicle has not been redeemed by the owner after at least 20 days after its release by the police agency, the towing agency or custodian must, before 30 days after the vehicle's release, notify the police agency to enter the vehicle as abandoned.

Under the bill, the police agency would have to enter a vehicle into LEIN as an impounded vehicle within 24 hours after ordering the vehicle impounded. As under current law, a vehicle that was impounded for any of the bulleted reasons above would have to be released by the police agency that authorized the removal before the towing agency or custodian could release the vehicle to its owner. Apart from that, the towing agency would have to notify the police agency if the owner had not redeemed the vehicle within seven days after its impoundment, and the police agency would have to deem the vehicle abandoned and enter it as abandoned into LEIN within 24 hours after getting that notification. If an impounded vehicle were released before the police agency had entered the vehicle into LEIN as abandoned, the towing agency

¹ LEIN is a statewide computerized information system that was established July 1, 1967, as a service intended to provide and maintain a computerized filing system of accurate and timely documented criminal justice information readily available to all criminal justice agencies. Access is restricted to criminal justice agencies or agencies granted authorization under law.

(or custodian) would have to notify the police agency that authorized the removal within 24 hours of releasing the impounded vehicle.

For a vehicle that was impounded for any of the bulleted reasons above and not redeemed by the owner 20 days after its release by the police, the towing agency or custodian would still have to notify the police agency to enter the vehicle as abandoned before 30 days after the vehicle's release by the police. However, the bill would add that the police agency must enter the vehicle into LEIN as abandoned within 24 hours after receiving such a notice.

MCL 257.252d and 257.252e

FISCAL IMPACT:

House Bill 4960 would not have a significant fiscal impact on any unit of state or local government.

POSITIONS:

A representative of the Michigan Towing Association testified in support of the bill. (10-5-21)

A representative of the Michigan State Police testified to a neutral position on the bill. (10-5-21)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.