

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

***** 257.252a.amended THIS AMENDED SECTION IS EFFECTIVE JANUARY 14, 2019 *****

257.252a.amended Abandoned vehicle; presumption of responsibility; violation; penalty; "abandoned vehicle" defined; notice; duties of police agency; contest by owner; hearing; request; fee; towing and storage charges; secured party; obtaining release of vehicle; inspection; public sale; inability to determine ownership of abandoned vehicle; entry into law enforcement information network.

Sec. 252a. (1) A person shall not abandon a vehicle in this state. It is presumed that the last titled owner of the vehicle is responsible for abandoning the vehicle unless the person provides a record of the sale as that term is defined in section 240. A person who violates this subsection and who fails to redeem the vehicle before disposition of the vehicle under section 252g is responsible for a civil infraction and shall be ordered to pay a civil fine of \$50.00.

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

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

(b) A vehicle that has remained on public property for a period of not less than 48 hours, or on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, as follows:

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

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

(c) A vehicle, other than a late-model vehicle, to which all of the following apply:

(i) An insurance company has not acquired ownership of the vehicle under section 217c.

(ii) The vehicle cannot be disposed of under section 248c.

(iii) The vehicle has remained in the custody of a vehicle salvage pool or broker site without the consent of the vehicle salvage pool operator or the broker for a period of not less than 60 days.

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

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

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

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

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

(e) The year, make, and vehicle identification number of the vehicle, if available.

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

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

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

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

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

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

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

(iv) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody.

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

(vi) The name and business address of the custodian of the vehicle.

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

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

(i) Send to the last titled owner and secured party, as shown by the records of the secretary of state as described in section 221 or 237, by first-class mail or personal service, notice that the vehicle is considered

abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

- (A) The year, make, and vehicle identification number of the vehicle if available.
- (B) The address or approximate location from which the vehicle was taken into custody.
- (C) The date on which the vehicle was taken into custody.
- (D) The name and address of the police agency that had the vehicle taken into custody.
- (E) The name and business address of the custodian of the vehicle.
- (F) The procedure to redeem the vehicle.
- (G) The procedure to contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees.
- (H) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the police agency's action.
- (I) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.
- (ii) Enter the information described in subparagraph (i) on a website maintained by the department for public use in locating vehicles that are removed under this section as abandoned. The department shall maintain the data on the website for 1 year or until the vehicle is disposed of under this act, whichever occurs first.

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

(7) Subject to subsection (9), if the owner does not request a hearing under subsection (6), he or she may obtain the release of the vehicle by paying a fee of \$40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian of the vehicle shall forward \$25.00 of the fee to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(8) The secured party may contest the reasonableness of the towing fees and daily storage fees and request a hearing in the same manner and subject to the same requirements as the owner of the vehicle under subsection (6). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (6), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (6). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court may award reasonable attorney fees to the custodian of the vehicle.

(9) If the owner does not redeem the vehicle or request a hearing within 10 days after the date of the notice described in subsection (5)(c), the secured party may obtain the release of the vehicle by paying a \$40.00 fee plus the accrued charges to the custodian of the vehicle. The custodian of the vehicle shall forward \$25.00 of the fee to the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(10) If a vehicle has remained on private property without the consent of the property owner, the owner of the private property may have the vehicle taken into custody as an abandoned vehicle by contacting a local towing agency. A local towing agency is considered a towing agency whose storage lot is located within 15 miles from the border of the local unit of government having jurisdiction over the abandoned vehicle.

(11) Before removing the vehicle from private property, the towing agency shall provide notice by telephone, or otherwise, to a police agency having jurisdiction over the vehicle that the vehicle is being removed. Within 24 hours after receipt of the notice from the towing agency, the police agency shall determine if the vehicle has been reported stolen and enter the vehicle into the law enforcement information

network as an abandoned vehicle. Verification by the police agency of compliance with this section is not necessary and is not a predicate to the entrance of the vehicle into the law enforcement information network.

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

- (a) The year, make, and vehicle identification number of the vehicle if available.
- (b) The address or approximate location from which the vehicle was taken into custody.
- (c) The date on which the vehicle was taken into custody.
- (d) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody.
- (e) The name and address of the police agency that had the vehicle taken into custody.
- (f) The name and business address of the custodian of the vehicle.
- (g) The name of the court that has jurisdiction over the case.

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

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

- (i) The year, make, and vehicle identification number of the vehicle if available.
- (ii) The location from which the vehicle was taken into custody.
- (iii) The date on which the vehicle was taken into custody.
- (iv) The name of the towing agency that had the vehicle taken into custody.
- (v) The business address of the custodian of the vehicle.
- (vi) The procedure to redeem the vehicle.
- (vii) The procedure to contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees.

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

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

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

(14) The owner may contest the fact that the vehicle is abandoned or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or local law enforcement agency and comply with section 252i, the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. Subject to subsection (16), if the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An owner who requests a hearing may obtain release of the vehicle by posting with the court a towing and storage bond in an amount equal to \$40.00 plus the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of \$40.00 to the court plus the towing and storage fees instead of posting the towing and storage bond. An owner requesting a hearing but not taking possession of the vehicle shall post with the court a towing and storage bond in an amount equal to \$40.00 plus the accrued towing and storage fees.

(15) Subject to subsection (17), if the owner does not request a hearing, he or she may obtain the release of the vehicle by paying a fee of \$40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward \$25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(16) The secured party may contest the reasonableness of the towing fees and daily storage fees and request a hearing in the same manner and subject to the same requirements as the owner under subsection (14). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (14), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (14). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the

towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court shall award to the custodian costs, including reasonable attorney fees, against the owner or secured party.

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

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

(19) The custodian of a vehicle described in this section shall allow the owner of the vehicle or a secured party to inspect the vehicle during regular business hours at the location where the vehicle is being held. The custodian of the vehicle may charge the secured party a fee of not more than \$75.00 to inspect the vehicle or, if the actual cost necessary to allow the inspection is greater than \$75.00, the actual cost necessary to allow the inspection. If the custodian of the vehicle charges the secured party more than \$75.00 as provided in this subsection, the custodian shall provide the secured party with an itemized invoice for the actual costs assessed. The custodian of the vehicle shall allow the owner of the vehicle to inspect the vehicle and retrieve personal property from the vehicle without paying a fee for the first visit. After the first visit by the owner to inspect the vehicle or retrieve personal property from the vehicle as provided in this subsection, the custodian may charge the owner of the vehicle a fee of not more than \$25.00 for each subsequent visit.

(20) If the ownership of a vehicle that is considered abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state as described in section 221 or 237 does not reveal ownership, the police agency may sell the vehicle at public sale as provided in section 252g not less than 30 days after public notice of the sale has been published.

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

History: Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000;—Am. 2002, Act 649, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2015, Act 48, Eff. Sept. 7, 2015;—Am. 2018, Act 347, Eff. Jan. 14, 2019.