

**SUBSTITUTE FOR
HOUSE BILL NO. 4231**

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252a, 252b, 252d, 252e, 252f, and 252g (MCL 257.252a, 257.252b, 257.252d, 257.252e, 257.252f, and 257.252g), section 252a as amended by 2002 PA 649, section 252b as amended and sections 252e, 252f, and 252g as added by 1981 PA 104, and section 252d as amended by 2000 PA 76, and by adding section 252h; and to repeal acts and parts of acts.

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, ~~after a police agency or~~
4 ~~other governmental agency designated by the police agency has~~
5 ~~affixed a written notice to the vehicle~~ or on a state trunk line
6 highway as described in section 1 of 1951 PA 51, MCL 247.651, as

1 follows:

2 (a) If a valid registration plate is affixed to the vehicle,
3 for a period of 18 hours.

4 (b) If a valid registration plate is not affixed to the
5 vehicle.

6 (2) If a vehicle has remained on public ~~or private~~ property
7 for a period of time so that it ~~appears to the police agency to~~
8 ~~be~~ **qualifies as** abandoned, ~~the~~ **a police agency having**
9 **jurisdiction over the vehicle or the agency's designee** shall ~~do~~
10 ~~all of the following:~~ ~~(a) Determine if~~ **determine whether** the
11 vehicle has been reported stolen ~~.~~ ~~(b) Affix~~ **and may affix** a
12 written notice to the vehicle. The written notice shall contain
13 the following information:

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

15 (b) ~~(ii)~~ The name and address of the police agency taking
16 the action.

17 (c) ~~(iii)~~ The name and badge number of the police officer
18 affixing the notice.

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

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

24 (3) If the vehicle is an abandoned vehicle, the police agency
25 **or the agency's designee** may have the **towing agency take the**
26 vehicle ~~taken~~ into custody.

27 (4) A police agency that has **received** a vehicle taken into

1 custody **as abandoned** shall do all of the following:

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

4 (b) Within 24 hours after ~~taking~~ the vehicle **is taken** into
5 custody, enter the vehicle as abandoned into the law enforcement
6 information network, **and notify the secretary of state that the**
7 **vehicle has been taken into custody as abandoned.**

8 (c) Within 7 days after ~~taking the vehicle into custody,~~
9 ~~send~~ **receiving notice under subdivision (b) that the vehicle has**
10 **been taken into custody, the secretary of state shall do both of**
11 **the following:**

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

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

20 (B) ~~(ii)~~ The location from which the vehicle was taken into
21 custody.

22 (C) ~~(iii)~~ The date on which the vehicle was taken into
23 custody.

24 (D) ~~(iv)~~ The name and address of the police agency that had
25 the vehicle taken into custody.

26 (E) ~~(v)~~ The business address of the custodian of the
27 vehicle.

1 (F) ~~-(vi)-~~ The procedure to redeem the vehicle.

2 (G) ~~-(vii)-~~ The procedure to contest the fact that the
3 vehicle is considered abandoned or the reasonableness of the
4 towing fees and daily storage fees.

5 (H) ~~-(viii)-~~ A form petition that the owner may file in
6 person or by mail with the specified court that requests a
7 hearing on the police agency's action.

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

13 (ii) **Enter the information described in subparagraph (i) on a**
14 **website maintained by the department for public use in locating**
15 **vehicles that are removed under this section as abandoned.**

16 (5) The registered owner may contest the fact that the
17 vehicle is considered abandoned or the reasonableness of the
18 towing fees and daily storage fees by requesting a hearing. A
19 request for a hearing shall be made by filing a petition with the
20 court specified in the notice within 20 days after the date of
21 the notice. If the owner requests a hearing, the matter shall be
22 resolved after a hearing conducted under sections 252e and 252f.
23 An owner who requests a hearing may obtain release of the vehicle
24 by posting a towing and storage bond in an amount equal to the
25 **\$150.00 plus the** accrued towing and storage fees with the court.
26 The owner of a vehicle who requests a hearing may obtain release
27 of the vehicle by paying **a fee of \$150.00 to the court and the**

1 **accrued** towing and storage fees instead of posting the towing and
2 storage bond. ~~If the court finds that the vehicle was not~~
3 ~~properly considered abandoned, the police agency shall reimburse~~
4 ~~the owner of the vehicle for the accrued towing and storage~~
5 ~~fees.~~ **The court shall forward the fee collected under this**
6 **subsection to the secretary of state, who shall deposit the fee**
7 **into the abandoned vehicle fund created in section 252h.**

8 (6) If the owner does not request a hearing, he or she may
9 obtain the release of the vehicle by paying a **fee of \$150.00 and**
10 the accrued ~~charges~~ **towing and storage fees** to the custodian of
11 the vehicle. **The custodian of the vehicle shall forward the fee**
12 **to the secretary of state, who shall deposit the fee into the**
13 **abandoned vehicle fund created in section 252h.**

14 (7) If the owner does not redeem the vehicle or request a
15 hearing within 20 days after the date of the notice, the secured
16 party may obtain the release of the vehicle by paying a **\$150.00**
17 **fee plus** the accrued charges to the custodian of the vehicle.
18 ~~and the police agency for its accrued costs.~~ **The custodian of**
19 **the vehicle shall forward the fee to the secretary of state, who**
20 **shall deposit the the fee into the abandoned vehicle fund created**
21 **in section 252h.**

22 (8) If a vehicle has remained on private property without the
23 consent of the property owner for a period of time so that it
24 qualifies as abandoned, the owner of the private property may
25 have the vehicle taken into custody.

26 (9) Before removing the vehicle from private property, the
27 towing service shall notify a police agency having jurisdiction

1 over the vehicle that the vehicle is being removed. The police
2 agency shall determine if the vehicle has been reported stolen
3 and have the vehicle entered into the law enforcement information
4 network as an abandoned vehicle.

5 (10) Within 24 hours after taking the abandoned vehicle into
6 custody, the police agency shall notify the secretary of state
7 that the vehicle has been taken into custody and notify the
8 secretary of state of the location of the abandoned vehicle.

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

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

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

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

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

22 (iv) The name and address of the private property owner or
23 towing service that had the vehicle taken into custody.

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

25 (vi) The procedure to redeem the vehicle.

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

1 daily storage fees.

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

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

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

13 (12) The registered owner may contest the fact that the
14 vehicle is abandoned or the reasonableness of the towing fees and
15 daily storage fees by requesting a hearing. A request for a
16 hearing shall be made by filing a petition with the court
17 specified in the notice within 20 days after the date of the
18 notice. If the owner requests a hearing, the matter shall be
19 resolved after a hearing conducted under sections 252e and 252f.
20 An owner who requests a hearing may obtain release of the vehicle
21 by posting a towing and storage bond in an amount equal to the
22 \$150.00 plus the accrued towing and storage fees with the court.
23 The owner of a vehicle who requests a hearing may obtain release
24 of the vehicle by paying a fee of \$150.00 to the secretary of
25 state plus the towing and storage fees instead of posting the
26 towing and storage bond. The secretary of state shall deposit
27 the fee into the abandoned vehicle fund created in section 252h.

1 (13) If the owner does not request a hearing, he or she may
2 obtain the release of the vehicle by paying a fee of \$150.00 plus
3 the accrued charges to the custodian of the vehicle. The
4 custodian shall forward the fee collected under this subsection
5 to the secretary of state, who shall deposit the fee into the
6 abandoned vehicle fund created in section 252h.

7 (14) 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 \$150.00 and the accrued towing and storage fees to the custodian
11 of the vehicle. The custodian shall forward the fee collected
12 under this subsection to the secretary of state, who shall
13 deposit the fee into the abandoned vehicle fund created in
14 section 252h.

15 (15) ~~-(8)-~~ Not less than 20 days after the disposition of the
16 hearing described in subsection (5) or, if a hearing is not
17 requested, not less than 20 days after the date of the notice,
18 the police agency **if the abandoned vehicle is found on public**
19 **property, or the custodian of the vehicle if the vehicle is found**
20 **on private property,** shall offer the vehicle for sale at a public
21 sale ~~pursuant to~~ **under** section 252g.

22 (16) ~~-(9)-~~ If the ownership of a vehicle that is considered
23 abandoned under this section cannot be determined either because
24 of the condition of the vehicle identification numbers or because
25 a check with the records of the secretary of state does not
26 reveal ownership, the police agency may sell the vehicle at
27 public sale pursuant to section 252g ~~—~~ not less than 30 days

1 after public notice of the sale has been published.

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

3 (a) "Registered abandoned scrap vehicle" means a vehicle

4 ~~which~~ **that** meets all of the following requirements:

5 (i) Is on public or private property.

6 (ii) Is 7 or more years old.

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

11 (iv) Is currently registered **or titled** in the state of
12 Michigan or displays current year registration plates from
13 another state.

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

16 (b) "Unregistered abandoned scrap vehicle" means a vehicle

17 ~~which~~ **that** meets all of the following requirements:

18 (i) Is on public or private property.

19 (ii) Is 7 or more years old.

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

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

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

1 (2) A police agency **or the agency's designee or, if the**
2 **vehicle is on private property, the property owner** may have an
3 unregistered abandoned scrap vehicle taken into custody, in which
4 case the police agency shall do all of the following:

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

6 (b) Take 2 photographs of the vehicle.

7 (c) Make a report to substantiate the vehicle as an
8 unregistered abandoned scrap vehicle. The report shall contain
9 the following information:

10 (i) The year, make, and vehicle identification number if
11 available.

12 (ii) The date of abandonment.

13 (iii) The location of abandonment.

14 (iv) A detailed listing of the damage or the missing
15 equipment.

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

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

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

20 (3) Within 24 hours, excluding Saturday, Sunday, and legal
21 holidays, after taking the vehicle into custody, the police
22 agency **or the agency's designee** shall complete a release form and
23 release the vehicle to the towing service or a used vehicle parts
24 dealer or vehicle scrap metal processor, who shall then transmit
25 that release form to the secretary of state and apply for a
26 certificate of the title or a certificate of scrapping. Upon
27 receipt of the release form and application, the secretary of

1 state shall issue a certificate of title or a certificate of
2 scrapping.

3 (4) The release form described in subsection (3) shall be
4 furnished by the secretary of state and shall include a
5 certification executed by the applicable police agency **or the**
6 **agency's designee** when the abandoned scrap vehicle is released.
7 The certification shall state that the police agency has complied
8 with all the requirements of subsection (2)(b) and (c).

9 (5) The secretary of state shall retain the records relating
10 to an abandoned scrap vehicle for not less than 2 years. The 2
11 photographs taken pursuant to subsection (2)(b) shall be retained
12 by the police agency **or the agency's designee** for not less than
13 2 years. After the certificate of scrapping has been issued, a
14 certificate of title for the vehicle shall not be issued again.

15 (6) A police agency **or the agency's designee or, if the**
16 **vehicle is on private property, the property owner** may have a
17 registered abandoned scrap vehicle taken into custody, in which
18 case the police agency **or the towing service** shall do all of the
19 following:

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

21 (b) Take 2 photographs of the vehicle.

22 (c) Make a report to substantiate the vehicle as a registered
23 abandoned scrap vehicle. The report shall contain the following
24 information:

25 (i) The year, make, and vehicle identification number if
26 available.

27 (ii) The date of abandonment.

1 (iii) The location of abandonment.

2 (iv) A detailed listing of the damage or the missing
3 equipment.

4 (v) The reporting ~~officer's~~ **individual's** name and title.

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

6 (d) Within 24 hours after taking the vehicle into custody,
7 ~~enter~~ **cause** the vehicle **to be entered** into the law enforcement
8 information network.

9 (7) ~~(e)~~ Within 7 days after taking the vehicle into
10 custody, **the secretary of state shall** send to the registered
11 owner and secured party, as shown by the records of the secretary
12 of state, by first-class mail or personal service, notice that
13 the vehicle ~~has been deemed~~ **is considered** abandoned. The form
14 for the notice shall be furnished by the secretary of state.
15 Each notice form shall contain the following information:

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

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

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

22 (d) ~~(iv)~~ The name and address of the police agency ~~which~~
23 **or the private property owner that** had the vehicle taken into
24 custody.

25 (e) ~~(v)~~ The business address of the custodian of the
26 vehicle.

27 (f) ~~(vi)~~ The procedure to redeem the vehicle.

1 (g) ~~-(vii)-~~ The procedure to contest the fact that the
2 vehicle ~~has been deemed~~ **is** abandoned or the reasonableness of
3 the towing fees and daily storage fees.

4 (h) ~~-(viii)-~~ A form petition ~~which~~ **that** the owner may file
5 in person or by mail with the specified court ~~which~~ **that**
6 requests a hearing on the ~~police agency's action~~ **custody of the**
7 **vehicle.**

8 (i) ~~-(ix)-~~ A warning that the failure to redeem the vehicle
9 or to request a hearing within 20 days after the date of the
10 notice may result in the termination of all rights of the owner
11 and the secured party to the vehicle.

12 (8) ~~-(7)-~~ The registered owner of a registered abandoned
13 scrap vehicle may contest the fact that the vehicle ~~has been~~
14 ~~deemed~~ **is** abandoned or the reasonableness of the towing fees and
15 daily storage fees by requesting a hearing. A request for a
16 hearing shall be made by filing a petition with the court
17 specified in the notice within 20 days after the date of the
18 notice. If the owner requests a hearing, the matter shall be
19 resolved after a hearing conducted pursuant to sections 252e and
20 252f. An owner who requests a hearing may obtain release of the
21 vehicle by posting a towing and storage bond with the court in an
22 amount as determined by the court. The owner of a vehicle who
23 requests a hearing may obtain release of the vehicle by paying **a**
24 **fee of \$150.00 plus** the towing and storage fees instead of
25 posting the towing and storage bond. ~~If the court finds that~~
26 ~~the vehicle was not properly deemed abandoned, the police agency~~
27 ~~shall reimburse the owner of the vehicle for the accrued towing~~

1 ~~and storage fees.~~

2 (9) ~~-(8)-~~ If the owner does not request a hearing, he or she
3 may obtain the release of the vehicle by paying **a fee of \$150.00**
4 **plus** the accrued charges to the custodian of the vehicle. **The**
5 **custodian shall forward the fee collected under this subsection**
6 **to the secretary of state, who shall deposit the fee into the**
7 **abandoned vehicle fund created in section 252h.**

8 (10) ~~-(9)-~~ If the owner does not redeem the vehicle or
9 request a hearing within 20 days after the date of the notice,
10 the secured party may obtain the release of the vehicle by paying
11 **a fee of \$150.00 plus** the accrued charges to the custodian of the
12 vehicle. **The custodian shall forward the fee collected under**
13 **this subsection to the secretary of state, who shall deposit the**
14 **fee into the abandoned vehicle fund created in section 252h.**

15 (11) ~~-(10)-~~ Not less than 20 days after the disposition of
16 the hearing described in subsection ~~-(7)-~~ (8), or if a hearing is
17 not requested, not less than 20 days after the date of the notice
18 described in subsection ~~-(6)(e)-~~ (7), the police agency **or the**
19 **agency's designee** shall follow the procedures established in
20 subsections (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:

26 (a) If the vehicle is in such a condition that the continued
27 operation of the vehicle upon the highway would constitute an

1 immediate hazard to the public.

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

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

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

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

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

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

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

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

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

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

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

3 (b) ~~Within 24 hours after removing the vehicle, enter the~~
4 ~~vehicle into the law enforcement information network if the~~
5 ~~vehicle has not been redeemed. This subdivision does not apply~~
6 ~~to a vehicle that is removed from the scene of a motor vehicle~~
7 ~~traffic accident. Follow the procedures set forth in section~~
8 **252a.**

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

21 ~~—— (i) The year, make, and vehicle identification number of the~~
22 ~~vehicle.~~

23 ~~—— (ii) The location from which the vehicle was taken into~~
24 ~~custody.~~

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

26 ~~—— (iv) The name and address of the police agency which had the~~
27 ~~vehicle taken into custody.~~

1 ~~—— (v) The location where the vehicle is being held.~~
2 ~~—— (vi) The procedure to redeem the vehicle.~~
3 ~~—— (vii) The procedure to contest the fact that the vehicle was~~
4 ~~properly removed or the reasonableness of the towing and daily~~
5 ~~storage fees.~~
6 ~~—— (viii) A form petition which the owner may file in person or~~
7 ~~by mail with the specified court that requests a hearing on the~~
8 ~~police agency's action.~~
9 ~~—— (ix) A warning that the failure to redeem the vehicle or to~~
10 ~~request a hearing within 20 days after the date of the notice may~~
11 ~~result in the sale of the vehicle and the termination of all~~
12 ~~rights of the owner and the secured party to the vehicle or the~~
13 ~~proceeds of the sale or to both the vehicle and the proceeds.~~
14 ~~—— (3) The registered owner may contest the fact that the~~
15 ~~vehicle was properly removed or the reasonableness of the towing~~
16 ~~fees and daily storage fees by requesting a hearing. A request~~
17 ~~for a hearing shall be made by filing a petition with the court~~
18 ~~specified in the notice within 20 days after the date of the~~
19 ~~notice. If the owner requests a hearing, the matter shall be~~
20 ~~resolved after a hearing conducted pursuant to sections 252e and~~
21 ~~252f. An owner who requests a hearing may obtain release of the~~
22 ~~vehicle by posting a towing and storage bond with the court in an~~
23 ~~amount equal to the accrued towing and storage fees. The owner~~
24 ~~of a vehicle who requests a hearing may obtain release of the~~
25 ~~vehicle by paying the towing and storage fees instead of posting~~
26 ~~the towing and storage bond. If the court finds that the vehicle~~
27 ~~was not properly removed, the police agency shall reimburse the~~

1 ~~owner of the vehicle for the accrued towing and storage fees.~~

2 ~~—— (4) If the owner does not request a hearing, he or she may~~
3 ~~obtain the release of the vehicle by paying the accrued charges~~
4 ~~to the custodian of the vehicle.~~

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

9 ~~—— (6) Not less than 20 days after the disposition of the~~
10 ~~hearing described in subsection (3), or if a hearing is not~~
11 ~~requested, not less than 20 days after the date of the notice~~
12 ~~described in subsection (2)(c), the police agency shall offer the~~
13 ~~vehicle for sale at a public sale unless the vehicle is~~
14 ~~redeemed. The public sale shall be held pursuant to section~~
15 ~~252g.~~

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

23 Sec. 252e. (1) The following courts shall have jurisdiction
24 to determine if a police agency has acted properly in processing
25 a vehicle under section 252a, 252b(6) to ~~-(10)-~~ (11), ~~-252e,~~ or
26 252d:

27 (a) The district court.

1 (b) A municipal court.

2 ~~(c) The common pleas court of the city of Detroit.~~

3 (2) The court specified in the notice prescribed in section
4 252a(4)(c) ~~— or 252b(6) —, 252e(4), or 252d(2)(e) as~~
5 **provided in section 252d(2)(b)** shall be the court ~~which~~ **that**
6 has territorial jurisdiction at the location from where the
7 vehicle was removed or deemed abandoned. Venue in the district
8 court shall be governed by section 8312 of ~~Act No. 236 of the~~
9 ~~Public Acts of 1961, as amended, being section 600.8312 of the~~
10 ~~Michigan Compiled Laws~~ **the revised judicature act of 1961, 1961**
11 **PA 236, MCL 600.8312.**

12 (3) If the owner fails to pay the accrued towing and storage
13 fees, the towing and storage bond posted with the court to secure
14 release of the vehicle under section 252a, 252b, ~~252e,~~ or 252d
15 shall be used to pay the towing and storage fees.

16 Sec. 252f. (1) Upon receipt of a petition prescribed in
17 section 252a, 252b, ~~252e,~~ or 252d, signed by the owner of the
18 vehicle which has been taken into custody, the court shall do
19 both of the following:

20 (a) Schedule a hearing within 30 days for the purpose of
21 determining whether the police agency acted properly.

22 (b) Notify the owner and the police agency of the time and
23 place of the hearing.

24 (2) At the hearing specified in subsection (1) the police
25 agency shall have the burden of showing by a preponderance of the
26 evidence that it has complied with the requirements of this act
27 in processing the abandoned vehicle or vehicle removed ~~pursuant~~

1 ~~to~~ **under** section 252d.

2 (3) After the hearing, the court shall make a decision ~~which~~
3 ~~shall include~~ **that includes** 1 or more of the following:

4 (a) A finding that the police agency complied with the
5 procedures established for the processing of an abandoned vehicle
6 or a vehicle removed under section 252d, and an order providing a
7 period of 20 days after the decision for the owner to redeem the
8 vehicle. If the owner does not redeem the vehicle within 20
9 days, the police agency shall dispose of the vehicle ~~pursuant~~
10 ~~to~~ **under** section 252b or 252g. **The court shall also order the**
11 **owner to pay a fee of \$150.00 to the secretary of state. The**
12 **secretary of state shall deposit the fee into the abandoned**
13 **vehicle fund created in section 252h.**

14 (b) A finding that the police agency did not comply with the
15 procedures established for the processing of an abandoned vehicle
16 or a vehicle removed ~~pursuant to~~ **under** section 252d. After
17 making ~~such a~~ **the** finding, the court shall issue an order
18 directing that the vehicle immediately be released to the owner,
19 and that the police agency is responsible for the accrued towing
20 and storage charges. **The court shall also order any fee or bond**
21 **posted by the owner to be returned to the owner.**

22 (c) A finding that the towing and daily storage fees were
23 reasonable.

24 (d) A finding that the towing and daily storage fees were
25 unreasonable and issue an order directing an appropriate
26 reduction.

27 Sec. 252g. (1) ~~A~~ **Subject to section 252a(15), a public**

1 sale for a vehicle ~~which~~ **that** has been ~~deemed~~ **determined to**
2 **be** abandoned under section 252a ~~or 252e~~ or removed under
3 section 252d shall be conducted in the following manner:

4 (a) It shall be under the control of the police agency or
5 ~~agent of the police agency~~ **agency's designee or the custodian**
6 **of the vehicle or the custodian's designee.**

7 (b) It shall be open to the public and consist of open
8 auction bidding or bidding by sealed bids. If sealed bids are
9 received, the person submitting the bid shall receive a receipt
10 for the bid from the police agency or ~~agent of the police~~
11 ~~agency~~ **agency's designee or, if the vehicle is being sold under**
12 **section 252a(15), the custodian of the vehicle.**

13 (c) Except as **otherwise** provided ~~by~~ **in** sections ~~252a(9)~~
14 **252a** and ~~252d(7)~~ **252d**, it shall be held not less than 5 days
15 after public notice of the sale has been published.

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

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

23 (a) Towing and storage charges.

24 (b) Expenses incurred by the police agency **or the custodian**
25 **of the vehicle.**

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

1 (d) Remainder to the owner. A reasonable attempt shall be
2 made to mail the remainder to the registered owner. If delivery
3 of the remainder cannot be accomplished, the remainder shall
4 become the property of the unit of government that the police
5 agency represents.

6 (3) If there are no bidders on the vehicle, the police agency
7 **or the custodian of the vehicle** may do 1 of the following:

8 (a) Turn the vehicle over to the towing firm **or the custodian**
9 **of the vehicle** to satisfy charges against the vehicle.

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

13 (i) Paying the towing and storage charges.

14 (ii) Applying for title to the vehicle.

15 (c) Hold another public sale ~~pursuant to~~ **under** subsection
16 (1).

17 (4) A person who acquires ownership of a vehicle under
18 subsection (1) or (3) ~~—, which vehicle—~~ **that** has been designated
19 as a distressed vehicle ~~—, shall —make application—~~ **apply** for a
20 salvage certificate of title within 15 days after obtaining the
21 vehicle.

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

24 **Sec. 252h. (1) The abandoned vehicle fund is created within**
25 **the state treasury.**

26 (2) **The state treasurer may receive money or other assets**
27 **from any source for deposit into the fund. The state treasurer**

1 shall direct the investment of the fund. The state treasurer
2 shall credit to the fund interest and other earnings from fund
3 investments.

4 (3) Money in the fund at the close of the fiscal year shall
5 remain in the fund and shall not lapse to the general fund.

6 (4) The department of state shall expend money from the fund,
7 upon appropriation, in the following proportions and only for 1
8 or more of the following purposes:

9 (a) One third to reimburse local law enforcement agencies for
10 abandoned vehicle recovery efforts under sections 252a and 252d.

11 (b) One third to reimburse local units of government for
12 nonpayment of towing and vehicle storage costs associated with
13 abandoned vehicle recovery efforts under sections 252a and 252d.

14 (c) One third to the secretary of state to administer the
15 provisions of this act relating to abandoned vehicles.

16 Enacting section 1. Section 252c of the Michigan vehicle
17 code, 1949 PA 300, MCL 257.252c, is repealed.

18 Enacting section 2. This amendatory act takes effect 180
19 days after the date it is enacted.