

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4839

<<A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 208c, 216, 244, 252a, 252d, 252e, 252f, 252g, 252k, 252l, 625n, 716, 717, and 726 (MCL 257.11, 257.208c, 257.216, 257.244, 257.252a, 257.252d, 257.252e, 257.252f, 257.252g, 257.252k, 257.252l, 257.625n, 257.716, 257.717, and 257.726), section 11 as amended by 2003 PA 37, section 208c as amended by 2004 PA 362, sections 216 and 244 as amended by 2002 PA 642, sections 252a, 252d, 252e, and 252f as amended by 2004 PA 495, section 252g as amended and sections 252k and 252l as added by 2004 PA 493, section 625n as amended by 1998 PA 349, section 716 as amended by 2006 PA 509, and section 717 as amended by 2004 PA 511, and section 726 as amended by 1983 PA 107, and by adding section 79f.>>

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 11. (1) Except as **OTHERWISE** provided in this section,
2 "dealer" means a person who is 1 or more of the following:

3 (a) A person who in a 12-month period did 1 or more of the
4 following:

5 (i) Engaged in the business of purchasing, selling, exchanging,
6 brokering, leasing, or dealing in vehicles of a type required to be
7 titled under this act.

8 (ii) Engaged in the business of purchasing, selling,
9 exchanging, brokering, or dealing in salvageable parts of 5 or more
10 vehicles.

11 (iii) Engaged in the business of buying 5 or more vehicles to
12 sell vehicle parts or process into scrap metal.

13 (b) A person engaged in the actual remanufacturing of engines
14 or transmissions.

15 (2) There is a rebuttable presumption that a person who in a
16 12-month period buys and sells, exchanges, brokers, leases, or
17 deals in 5 or more vehicles, or buys and sells, exchanges, brokers,
18 or deals in salvageable parts for 5 or more vehicles, or buys 5 or
19 more vehicles to sell vehicle parts or to process into scrap metal
20 is engaged in a business **OF BEING A DEALER AS** described in
21 subsection (1).

22 (3) Dealer does not include any of the following:

23 (a) A financial institution, as defined in section 10 of 1909
24 PA 99, MCL 129.40, or an entity wholly owned by 1 or more financial
25 institutions.

26 (b) A bank holding company.

27 (c) A person who buys or sells remanufactured vehicle engine

1 and transmission salvageable vehicle parts or who receives in
2 exchange used engines or transmissions if the primary business of
3 the person is the selling of new vehicle parts and the person is
4 not engaged in any other activity that requires a dealer license
5 under this act.

6 (d) For purposes of dealer licensing, a person who negotiates
7 the lease of a vehicle of a type required to be titled under this
8 act for a lease term of less than 120 days.

9 (e) A person whose business is the financing of the purchase,
10 sale, or lease of vehicles of a type required to be titled under
11 this act and that is not otherwise engaged in activities **OF A**
12 **DEALER AS** described in subsection (1).

13 (f) An employee or agent of a dealer acting in the scope of
14 his or her employment or agency.

15 (g) An insurer, as defined in section 106 of the insurance
16 code of 1956, 1956 PA 218, MCL 500.106.

17 (h) A person engaged in leasing vehicles solely for commercial
18 or other nonhousehold use.

19 (i) A lessor selling 1 or more off lease vehicles.

20 **(J) A PERSON WHO HAS RECEIVED A VEHICLE UNDER SECTION**
21 **252G(3) (A) FOR THE PURPOSE OF SELLING THAT VEHICLE TO A DEALER**
22 **LICENSED UNDER THIS ACT.**

23 **SEC. 79F. "BOAT LIFT" MEANS A VEHICLE OWNED AND OPERATED BY A**
24 **MARINA OR WATERCRAFT DEALER IN A COMMERCIAL BOAT STORAGE OPERATION**
25 **WITH A FRAMEWORK DESIGNED TO SURROUND OR STRADDLE A BOAT AND LIFT**
26 **THE BOAT FROM WATER OR A STORAGE SPACE USING A SLING AND HOISTING**
27 **MECHANISM. A BOAT LIFT SHALL BE SPECIFICALLY DESIGNED FOR AND USED**

1 EXCLUSIVELY TO TRANSPORT A BOAT BETWEEN A PLACE OF STORAGE AND A
2 MARINA OR IN AND AROUND A MARINA. BOAT LIFT DOES NOT INCLUDE A BOAT
3 TRAILER DESIGNED FOR NORMAL OR ROUTINE TRANSPORTATION OF A
4 WATERCRAFT.

5 Sec. 208c. (1) Except as provided in this section and in
6 section 232, personal information in a record maintained under this
7 act shall not be disclosed, unless the person requesting the
8 information furnishes proof of identity satisfactory to the
9 secretary of state and certifies that the personal information
10 requested will be used for a permissible purpose identified in this
11 section or in section 232. However, highly restricted personal
12 information shall be used and disclosed only as expressly permitted
13 in section 307 or as otherwise expressly provided by law.

14 (2) Personal information in a record maintained under this act
15 shall be disclosed by the secretary of state if required to carry
16 out the purposes of federal law or federal regulations.

17 (3) Personal information in a record maintained under this act
18 may be disclosed by the secretary of state as follows:

19 (a) For use by a federal, state, or local governmental agency,
20 including a court or law enforcement agency, in carrying out the
21 agency's functions, or by a private person or entity acting on
22 behalf of a governmental agency in carrying out the agency's
23 functions.

24 (b) For use in connection with matters of motor vehicle and
25 driver safety or auto theft; motor vehicle emissions; motor vehicle
26 product alterations, recalls, or advisories; performance monitoring
27 of motor vehicles; motor vehicle market research activities,

1 including survey research; and the removal of nonowner records from
2 the original records of motor vehicle manufacturers.

3 (c) For use in the normal course of business by a legitimate
4 business, including the agents, employees, and contractors of the
5 business, but only to verify the accuracy of personal information
6 submitted by an individual to the business or its agents,
7 employees, or contractors, and if the information as so submitted
8 is no longer correct, to obtain the correct information, for the
9 sole purpose of preventing fraud by pursuing legal remedies
10 against, or recovering on a debt against, the individual.

11 (d) For use in connection with a civil, criminal,
12 administrative, or arbitration proceeding in a federal, state, or
13 local court or governmental agency or before a self-regulatory
14 body, including use for service of process, investigation in
15 anticipation of litigation, and the execution or enforcement of
16 judgments and orders, or pursuant to an order of a federal, state,
17 or local court, an administrative agency, or a self-regulatory
18 body.

19 (e) For use in legitimate research activities and in preparing
20 statistical reports for commercial, scholarly, or academic purposes
21 by a bona fide research organization, if the personal information
22 is not published, redisclosed, or used to contact individuals.

23 (f) For use by an insurer or insurance support organization,
24 or by a self-insured entity, or its agents, employees, or
25 contractors, in connection with claims investigating activity,
26 antifraud activity, rating, or underwriting.

27 (g) For use in providing notice to the owner of an abandoned,

1 towed, or impounded vehicle **OR FOR USE BY THE CUSTODIAN OF A**
2 **VEHICLE THAT IS CONSIDERED AN ABANDONED VEHICLE AS DEFINED IN**
3 **SECTION 252A, 252B, AND 252D.**

4 (h) For use either by a private detective or private
5 investigator licensed under the ~~private detective license~~
6 **PROFESSIONAL INVESTIGATOR LICENSURE** act, 1965 PA 285, MCL 338.821
7 to 338.851, or by a private security guard agency or alarm system
8 contractor licensed under the private security business and
9 security alarm act, 1968 PA 330, MCL 338.1051 to 338.1083, only for
10 a purpose permitted under this section.

11 (i) For use by an employer, or the employer's agent or
12 insurer, to obtain or verify information relating either to the
13 holder of a commercial driver license that is required under
14 federal law or to the holder of a chauffeur's license that is
15 required under chapter 3.

16 (j) For use by a car rental business, or its employees,
17 agents, contractors, or service firms, for the purpose of making
18 rental decisions.

19 (k) For use in connection with the operation of private toll
20 transportation facilities.

21 (l) For use by a news medium in the preparation and
22 dissemination of a report related in part or in whole to the
23 operation of a motor vehicle or public safety. "News medium"
24 includes a newspaper, a magazine or periodical published at regular
25 intervals, a news service, a broadcast network, a television
26 station, a radio station, a cablecaster, or an entity employed by
27 any of the foregoing.

1 (m) For any use by an individual requesting information
2 pertaining to himself or herself or requesting in writing that the
3 secretary of state provide information pertaining to himself or
4 herself to the individual's designee. A request for disclosure to a
5 designee, however, may be submitted only by the individual.

6 (4) Medical and disability information in a record maintained
7 under this act may be used and disclosed for purposes of subsection
8 (3)(a), (d), or (m).

9 Sec. 216. Every motor vehicle, pickup camper, trailer coach,
10 trailer, semitrailer, and pole trailer, when driven or moved upon a
11 highway, is subject to the registration and certificate of title
12 provisions of this act except the following:

13 (a) A vehicle driven or moved upon a highway in conformance
14 with the provisions of this act relating to manufacturers,
15 transporters, dealers, or nonresidents.

16 (b) A vehicle that is driven or moved upon a highway only for
17 the purpose of crossing that highway from 1 property to another.

18 (c) An implement of husbandry.

19 (d) Special mobile equipment for which the secretary of state
20 may issue a special registration to an individual, partnership,
21 corporation, or association not licensed as a dealer to identify
22 the equipment when being moved over the streets and highways upon
23 payment of the required fee.

24 (e) A vehicle that is propelled exclusively by electric power
25 obtained from overhead trolley wires though not operated upon
26 rails.

27 (f) Any vehicle subject to registration, but owned by the

1 government of the United States.

2 (g) A certificate of title need not be obtained for a trailer,
3 semitrailer, or pole trailer weighing less than 2,500 pounds.

4 (h) A vehicle driven or moved upon the highway only for the
5 purpose of securing a weight receipt from a weighmaster as is
6 required in section 801, or for obtaining a vehicle inspection by a
7 law enforcement agency before titling or registration, and then
8 only by the most direct route.

9 (i) A certificate of title need not be obtained for a vehicle
10 owned by a manufacturer or dealer and held for sale or lease, even
11 though incidentally moved on the highway or used for purposes of
12 testing or demonstration.

13 (j) A bus or school bus, as defined in section 4b or 57, that
14 is not self-propelled and used exclusively as a construction
15 shanty.

16 (k) A certificate of title need not be obtained for a moped.

17 (l) For 3 days immediately following the date of a properly
18 assigned title or signed lease agreement from any person other than
19 a vehicle dealer, a registration need not be obtained for a vehicle
20 driven or moved upon the highway for the sole purpose of
21 transporting the vehicle in the most direct route from the place of
22 purchase or lease to a place of storage if the driver has in his or
23 her possession the assigned title showing the date of sale or lease
24 agreement showing the date of the lease.

25 (m) A certificate of registration need not be obtained for a
26 pickup camper, but a certificate of title shall be obtained.

27 (n) A new motor vehicle driven or moved upon the highway only

1 for the purpose of moving the vehicle from an accident site to a
2 storage location if the vehicle was being transported on a railroad
3 car or semitrailer that was involved in a disabling accident.

4 **(O) A BOAT LIFT USED FOR TRANSPORTING VESSELS BETWEEN A MARINA**
5 **OR A BODY OF WATER AND A PLACE OF INLAND STORAGE.**

6 Sec. 244. (1) A manufacturer owning a vehicle of a type
7 otherwise required to be registered under this act may operate or
8 move the vehicle upon a street or highway primarily for the
9 purposes of transporting or testing or in connection with a golf
10 tournament or a public civic event, if the vehicle displays, in the
11 manner prescribed in section 225, 1 special plate approved by the
12 secretary of state.

13 (2) A producer of a vehicle subcomponent system essential to
14 the operation of the vehicle or the safety of an occupant may
15 operate or move a motor vehicle upon a street or highway solely to
16 transport or test the subcomponent system if the motor vehicle
17 displays, in the manner prescribed in section 225, 1 special plate
18 approved by the secretary of state. To be eligible for the special
19 plate, the subcomponent system producer must be either a recognized
20 subcomponent system producer or must be a subcomponent system
21 producer under contract with a vehicle manufacturer.

22 (3) A dealer owning a vehicle of a type otherwise required to
23 be registered under this act may operate or move the vehicle upon a
24 street or highway without registering the vehicle if the vehicle
25 displays, in the manner prescribed in section 225, 1 special plate
26 issued to the owner by the secretary of state. As used in this
27 subsection, "dealer" includes an employee, servant, or agent of the

1 dealer.

2 (4) Solely to deliver the vehicle, a transporter may operate
3 or move a vehicle of a type otherwise required to be registered
4 under this act upon a street or highway if the vehicle displays, in
5 the manner prescribed in section 225, a special plate issued to the
6 transporter under this chapter.

7 (5) A licensee shall not use a special plate described in this
8 section on service cars or wreckers operated as an adjunct of a
9 licensee's business. A manufacturer, transporter, or dealer making
10 or permitting any unauthorized use of a special plate under this
11 chapter forfeits the right to use special plates and the secretary
12 of state, after notice and a hearing, may suspend or cancel the
13 right to use special plates and require that the special plates be
14 surrendered to or repossessed by the state.

15 (6) A transporter shall furnish a sufficient surety bond or
16 policy of insurance as protection for public liability and property
17 damage as may be required by the secretary of state.

18 (7) The secretary of state shall determine the number of
19 plates a manufacturer, dealer, or transporter reasonably needs in
20 his or her business.

21 (8) If a vehicle that is required to be registered under this
22 act is leased or sold, the vendee or lessee is permitted to operate
23 the vehicle upon a street or highway for not more than 72 hours
24 after taking possession if the vehicle has a dealer plate attached
25 as provided in this section. The application for registration shall
26 be made in the name of the vendee or lessee before the vehicle is
27 used. The dealer and the vendee or lessee are jointly responsible

1 for the return of the dealer plate to the dealer within 72 hours,
2 and the failure of the vendee or lessee to return or the vendor or
3 lessor to use due diligence to procure the dealer plate is a
4 misdemeanor, and in addition the license of the dealer may be
5 revoked. While using a dealer's plate, a vendee or lessee shall
6 have in his or her possession proof that clearly indicates the date
7 of sale or lease of the motor vehicle.

8 (9) A vehicle owned by a dealer and bearing the dealer's plate
9 may be driven upon a street or highway for demonstration purposes
10 by a prospective buyer or lessee for a period of 72 hours.

11 (10) THE SECRETARY OF STATE MAY ISSUE A REGISTRATION PLATE
12 UPON APPLICATION AND PAYMENT OF THE PROPER FEE TO AN INDIVIDUAL,
13 PARTNERSHIP, CORPORATION, OR ASSOCIATION THAT IN THE ORDINARY
14 COURSE OF BUSINESS HAS OCCASION TO LEGALLY PICK UP OR DELIVER A
15 COMMERCIAL MOTOR VEHICLE BEING DRIVEN TO A FACILITY TO UNDERGO
16 AFTERMARKET MODIFICATION, OR TO REPAIR OR SERVICE A VEHICLE, OR TO
17 PERSONS DEFINED AS WATERCRAFT DEALERS UNDER PART 801 OF THE NATURAL
18 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
19 324.80101 TO 324.80199, OR TO THE OWNER OF A MARINA FOR THE PURPOSE
20 OF DELIVERING A VESSEL OR TRAILER TO A PURCHASER, TO TRANSPORT A
21 VESSEL BETWEEN A BODY OF WATER AND A PLACE OF STORAGE, TO TRANSPORT
22 A VESSEL OR TRAILER TO AND FROM A BOAT SHOW OR EXPOSITION, TO
23 REPAIR, SERVICE, OR STORE A VESSEL OR TRAILER, OR TO RETURN A
24 VESSEL OR TRAILER TO THE CUSTOMER AFTER REPAIR, SERVICE, OR
25 STORAGE. A REGISTRATION PLATE ISSUED UNDER THIS SUBSECTION SHALL BE
26 USED TO MOVE THE VEHICLE OR TRAILER.

27 Sec. 252a. (1) A person shall not abandon a vehicle in this

1 state. It is presumed that the last titled owner of the vehicle is
2 responsible for abandoning the vehicle unless the person provides a
3 record of sale as that term is defined in section 240. A person who
4 violates this subsection and who fails to redeem the vehicle before
5 disposition of the vehicle under section 252g is responsible for a
6 civil infraction and shall be ordered to pay a civil fine of
7 \$50.00.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (v) The name and business address of the custodian of the
2 vehicle.

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

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

7 (i) Send to the last titled owner and secured party, as shown
8 by the records of the secretary of state as described in section
9 221 or 237, by first-class mail or personal service, notice that
10 the vehicle is considered abandoned. The form for the notice shall
11 be furnished by the secretary of state. Each notice form shall
12 contain the following information:

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

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

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

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

20 (E) The name and business address of the custodian of the
21 vehicle.

22 (F) The procedure to redeem the vehicle.

23 (G) The procedure to contest the fact that the vehicle is
24 considered abandoned or the reasonableness of the towing fees and
25 daily storage fees.

26 (H) A form petition that the owner may file in person or by
27 mail with the specified court that requests a hearing on the police

1 agency's action.

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

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

13 (6) The owner may contest the fact that the vehicle is
14 considered abandoned or the reasonableness of the towing fees and
15 daily storage fees by requesting a hearing **AND POSTING A BOND EQUAL**
16 **TO \$40.00 PLUS THE AMOUNT OF THE ACCRUED TOWING AND STORAGE FEES.** A
17 request for a hearing shall be made by filing a petition with the
18 court specified in the notice described in subsection (5)(c) within
19 20 days after the date of the notice. If the owner requests a
20 hearing, the matter shall be resolved after a hearing conducted
21 under sections 252e and 252f. An owner who requests a hearing may
22 obtain release of the vehicle by posting a towing and storage bond
23 in an amount equal to the \$40.00 plus the accrued towing and
24 storage fees with the court. The owner of a vehicle who requests a
25 hearing may obtain release of the vehicle by paying a fee of \$40.00
26 to the court and the accrued towing and storage fees instead of
27 posting the towing and storage bond.

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

9 (8) If the owner does not redeem the vehicle or request a
10 hearing within 20 days after the date of the notice described in
11 subsection (5)(c), the secured party may obtain the release of the
12 vehicle by paying a \$40.00 fee plus the accrued charges to the
13 custodian of the vehicle. The custodian of the vehicle shall
14 forward \$25.00 of the fee to the secretary of state, who shall
15 deposit the fee into the abandoned vehicle fund created in section
16 252h.

17 (9) If a vehicle has remained on private property without the
18 consent of the property owner, the owner of the private property
19 may have the vehicle taken into custody as an abandoned vehicle by
20 contacting a local towing agency. **A LOCAL TOWING AGENCY IS**
21 **CONSIDERED A TOWING AGENCY WHOSE STORAGE LOT IS LOCATED WITHIN 15**
22 **MILES FROM THE BORDER OF THE LOCAL UNIT OF GOVERNMENT HAVING**
23 **JURISDICTION OVER THE ABANDONED VEHICLE.**

24 (10) Before removing the vehicle from private property, the
25 towing agency shall ~~notify~~ **PROVIDE REASONABLE NOTICE BY TELEPHONE,**
26 **OR OTHERWISE, TO** a police agency having jurisdiction over the
27 vehicle that the vehicle is being removed. The police agency shall

1 determine if the vehicle has been reported stolen and ~~have~~ **ENTER**
2 the vehicle ~~entered~~ into the law enforcement information network as
3 an abandoned vehicle. **VERIFICATION BY THE POLICE AGENCY OF**
4 **COMPLIANCE WITH THIS SECTION IS NOT NECESSARY AND IS NOT A**
5 **PREDICATE TO THE ENTRANCE OF THE VEHICLE INTO THE LAW ENFORCEMENT**
6 **INFORMATION NETWORK.**

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

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

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

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

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

19 (e) The name and business address of the custodian of the
20 vehicle.

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

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

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

1 notice form shall contain the following information:

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

4 (ii) The location from which the vehicle was taken into
5 custody.

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

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

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

10 (vi) The procedure to redeem the vehicle.

11 (vii) The procedure to contest the fact that the vehicle is
12 considered abandoned or the reasonableness of the towing fees and
13 daily storage fees.

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

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

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

25 (13) The owner may contest the fact that the vehicle is
26 abandoned or, unless the towing fees and daily storage fees are
27 established by contract with the local governmental unit or local

1 law enforcement agency and comply with section 252i, the
2 reasonableness of the towing fees and daily storage fees by
3 requesting a hearing. A request for a hearing shall be made by
4 filing a petition with the court specified in the notice within 20
5 days after the date of the notice. If the owner requests a hearing,
6 the matter shall be resolved after a hearing conducted under
7 section 252f. An owner who requests a hearing may obtain release of
8 the vehicle by posting with the court a towing and storage bond in
9 an amount equal to \$40.00 plus the accrued towing and storage fees.
10 The owner of a vehicle who requests a hearing may obtain release of
11 the vehicle by paying a fee of \$40.00 to the court plus the towing
12 and storage fees instead of posting the towing and storage bond. **AN**
13 **OWNER REQUESTING A HEARING BUT NOT TAKING POSSESSION OF THE VEHICLE**
14 **SHALL POST WITH THE COURT A TOWING AND STORAGE BOND IN AN AMOUNT**
15 **EQUAL TO \$40.00 PLUS THE ACCRUED TOWING AND STORAGE FEES.**

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

23 (15) If the owner does not redeem the vehicle or request a
24 hearing within 20 days after the date of the notice, the secured
25 party may obtain the release of the vehicle by paying a fee of
26 \$40.00 and the accrued towing and storage fees to the custodian of
27 the vehicle. The custodian shall forward \$25.00 of the fee

1 collected under this subsection to the secretary of state within 30
2 days after receipt in a manner prescribed by the secretary of
3 state, who shall deposit the fee into the abandoned vehicle fund
4 created in section 252h.

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

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

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

24 Sec. 252d. (1) A police agency or a governmental agency
25 designated by the police agency may provide for the immediate
26 removal of a vehicle from public or private property to a place of
27 safekeeping at the expense of the ~~registered~~ **LAST-TITLED** owner of

1 the vehicle in any of the following circumstances:

2 (a) If the vehicle is in such a condition that the continued
3 operation of the vehicle upon the highway would constitute an
4 immediate hazard to the public.

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

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

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

11 (e) If the vehicle must be seized to preserve evidence of a
12 crime, or if there is reasonable cause to believe that the vehicle
13 was used in the commission of a crime.

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

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

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

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

27 (j) If the vehicle is interfering with the use of a ramp or a

1 curb-cut by persons with disabilities.

2 (K) IF THE VEHICLE HAS BEEN INVOLVED IN A TRAFFIC CRASH AND
3 CANNOT BE SAFELY OPERATED FROM THE SCENE OF THE CRASH.

4 (2) If the owner or other person who is legally entitled to
5 possess the vehicle arrives at the location where a vehicle is
6 located before the actual towing or removal of the vehicle, the
7 vehicle shall be disconnected from the tow truck, and the owner or
8 other person who is legally entitled to possess the vehicle may
9 take possession of the vehicle and remove it without interference
10 upon the payment of the reasonable service fee, for which a receipt
11 shall be provided.

12 (3) A police agency that authorizes the removal of a vehicle
13 under subsection (1) shall do all of the following:

14 (a) Check to determine if the vehicle has been reported stolen
15 PRIOR TO AUTHORIZING THE REMOVAL OF THE VEHICLE.

16 (b) ~~Fellow~~ EXCEPT FOR VEHICLES IMPOUNDED UNDER SUBSECTION
17 (1) (D), (E), OR (K), A POLICE AGENCY SHALL ENTER THE VEHICLE INTO
18 THE LAW ENFORCEMENT INFORMATION NETWORK AS ABANDONED NOT LESS THAN
19 7 DAYS AFTER AUTHORIZING THE REMOVAL AND FOLLOW the procedures set
20 forth in section 252a.

21 (4) A VEHICLE IMPOUNDED UNDER SUBSECTION (1) (D), (E), OR (K)
22 MUST FIRST BE RELEASED BY THE POLICE AGENCY THAT AUTHORIZED THE
23 REMOVAL PRIOR TO THE TOWING AGENCY OR CUSTODIAN RELEASING THE
24 VEHICLE TO THE VEHICLE OWNER.

25 (5) NOT LESS THAN 20 DAYS BUT NOT MORE THAN 30 DAYS AFTER A
26 VEHICLE HAS BEEN RELEASED UNDER SUBSECTION (4), THE TOWING AGENCY
27 OR CUSTODIAN SHALL NOTIFY THE POLICE AGENCY TO ENTER THE VEHICLE AS

1 **ABANDONED AND THE POLICE AGENCY SHALL FOLLOW THE PROCEDURES SET**
2 **FORTH IN SECTION 252A IF THE IMPOUNDED VEHICLE HAS NOT BEEN**
3 **REDEEMED.**

4 Sec. 252e. (1) The following courts have jurisdiction to
5 determine if a police agency, **TOWING AGENCY OR CUSTODIAN, OR**
6 **PRIVATE PROPERTY OWNER** has acted properly in **REPORTING OR**
7 processing a vehicle under section 252a, 252b(6) to (11), or 252d:

8 (a) The district court.

9 (b) A municipal court.

10 (2) The court specified in the notice prescribed in section
11 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) shall be
12 the court that has territorial jurisdiction at the location from
13 where the vehicle was removed or ~~deemed~~ **CONSIDERED** abandoned. Venue
14 in the district court shall be governed by section 8312 of the
15 revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

16 (3) If the owner fails to pay the accrued towing and storage
17 fees, the towing and storage bond posted with the court to secure
18 release of the vehicle under section 252a, 252b, or 252d shall be
19 used to pay the towing and storage fees.

20 **(4) THE REMEDIES UNDER SECTIONS 252 THROUGH 254 ARE THE**
21 **EXCLUSIVE REMEDIES FOR THE DISPOSITION OF ABANDONED VEHICLES.**

22 Sec. 252f. (1) Upon the filing of a petition prescribed in
23 section 252a, 252b, or 252d, signed by the owner of the vehicle
24 which has been taken into custody, the court shall do both of the
25 following:

26 (a) Schedule a hearing within 30 days for the purpose of
27 determining whether the police agency, **TOWING AGENCY OR CUSTODIAN,**

1 **OR PRIVATE PROPERTY OWNER** acted properly.

2 (b) Notify the owner, towing ~~service~~, ~~AGENCY OR~~ custodian, ~~of~~
3 ~~the vehicle~~, and police agency **OR IF THE VEHICLE WAS REMOVED FROM**
4 **PRIVATE PROPERTY, NOTIFY THE PRIVATE PROPERTY OWNER ALSO** of the
5 time and place of the hearing.

6 (2) At the hearing specified in subsection (1), the police
7 agency, **TOWING AGENCY OR CUSTODIAN, OR, IF THE VEHICLE WAS REMOVED**
8 **FROM PRIVATE PROPERTY, THE PRIVATE PROPERTY OWNER** shall have the
9 burden of showing by a preponderance of the evidence that it has
10 complied with the requirements of this act in **REPORTING OR**
11 processing the abandoned vehicle or vehicle removed under section
12 252d.

13 (3) After the hearing, the court shall make a decision that
14 includes 1 or more of the following:

15 (a) A finding that the police agency complied with the
16 procedures established for the processing of an abandoned vehicle
17 or a vehicle removed under section **252A, 252B, OR** 252d, and an
18 order providing a period of 20 days after the decision for the
19 owner to redeem the vehicle. If the owner does not redeem the
20 vehicle within 20 days, the police agency shall dispose of the
21 vehicle under section 252b or 252g. The court shall forward \$25.00
22 of the fee collected under section 252b or 252g to the secretary of
23 state within 30 days after the court's decision in a manner
24 prescribed by the secretary of state. The towing and storage fees
25 and \$15.00 of the fee collected under section 252b or 252g shall be
26 forwarded to the towing agency.

27 (b) A finding that the police agency did not comply with the

1 procedures established for the processing of an abandoned vehicle
2 or a vehicle removed under section 252A, 252B, OR 252d. After
3 making the finding, the court shall issue an order directing that
4 the vehicle immediately be released to the owner, and that the
5 police agency is responsible for the accrued towing and storage
6 charges. The court shall also order any fee or bond posted by the
7 owner to be returned to the owner.

8 (c) A finding that the towing fees and daily storage fees were
9 reasonable.

10 (d) A finding that the towing fees and daily storage fees were
11 unreasonable and issue an order directing **THE TOWING AGENCY OR**
12 **CUSTODIAN OF THE VEHICLE TO PROVIDE THE LAST TITLED OWNER OF THE**
13 **VEHICLE WITH** an appropriate reduction **OR REFUND.**

14 (E) A FINDING THAT THE OWNER OF THE REAL PROPERTY COMPLIED
15 WITH THE PROVISIONS OF SECTION 252K OR 252l.

16 (F) A FINDING THAT THE OWNER OF THE REAL PROPERTY DID NOT
17 COMPLY WITH THE PROVISIONS OF SECTION 252K OR 252l, AND ISSUE AN
18 ORDER REQUIRING THE OWNER OF THE REAL PROPERTY TO REIMBURSE THE
19 LAST TITLED OWNER OF THE VEHICLE FOR THE ACCRUED TOWING AND STORAGE
20 CHARGES.

21 (G) A FINDING THAT THE TOWING AGENCY DID NOT COMPLY WITH THE
22 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF AN
23 ABANDONED VEHICLE REMOVED UNDER SECTION 252A(10), 252B, OR 252D.
24 AFTER MAKING THE FINDING, THE COURT SHALL ISSUE AN ORDER DIRECTING
25 THAT THE VEHICLE IMMEDIATELY BE RELEASED TO THE OWNER AND THAT THE
26 TOWING AGENCY IS RESPONSIBLE FOR THE ACCRUED TOWING AND STORAGE
27 CHARGES. THE COURT SHALL ALSO ORDER ANY FEE OR BOND POSTED BY THE

1 OWNER TO BE RETURNED TO THE OWNER.

2 (H) A FINDING THAT THE TOWING AGENCY DID COMPLY WITH THE
3 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF AN
4 ABANDONED VEHICLE REMOVED UNDER SECTION 252A(10), 252B, OR 252D.

5 Sec. 252g. (1) Subject to section 252a(16), a public sale for
6 a vehicle and its contents that has been determined to be abandoned
7 under section 252a or removed under section 252d shall be conducted
8 in the following manner:

9 (a) It shall be under the control of the police agency. ~~or the~~
10 ~~agency's designee or the custodian of the vehicle or the~~
11 ~~custodian's designee~~ **HOWEVER, A POLICE AGENCY MAY DESIGNATE THE**
12 **CUSTODIAN OF THE VEHICLE OR A THIRD PARTY TO CONDUCT THE AUCTION.**

13 (b) It shall be open to the public and consist of open auction
14 bidding or bidding by sealed bids. If sealed bids are received, the
15 person submitting the bid shall receive a receipt for the bid from
16 the police agency or the agency's designee or, if the vehicle is
17 being sold under section 252a(16), the custodian of the vehicle.

18 (c) Except as otherwise provided in sections ~~252a(17)~~ **252A(16)**
19 **AND (17)** and 252b(7), it shall be held not less than 5 days after
20 public notice of the sale has been published.

21 (d) The public notice shall be published at least once in a
22 newspaper having a general circulation within the county in which
23 the vehicle was abandoned. The public notice shall give a
24 description of the vehicle for sale and shall state the time, date,
25 and location of the sale.

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

1 (a) Towing and storage charges.

2 (b) Expenses incurred by the police agency or the custodian of
3 the vehicle.

4 (c) Payment of the \$40.00 abandoned vehicle fee described in
5 section 252f(3)(a).

6 (d) Any extra money shall be sent to the department of
7 treasury's unclaimed property division to be disbursed as follows:

8 (i) To the secured party, if any, in the amount of the debt
9 outstanding on the vehicle.

10 (ii) Remainder to the owner. A reasonable attempt shall be made
11 to mail the remainder to the last titled owner. If delivery of the
12 remainder cannot be accomplished, the remainder shall become the
13 property of the unit of government governing the location from
14 which the vehicle was towed.

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

17 (a) Turn the vehicle over to the towing firm or the custodian
18 of the vehicle to satisfy charges against the vehicle. However, if
19 the value of the vehicle does not satisfy the towing fees and
20 accrued daily storage fees, the custodian of the vehicle may
21 collect the balance of those unpaid fees from the last titled
22 owner, subject to section 252i.

23 (b) Obtain title to the vehicle for the police agency or the
24 unit of government the police agency represents, by doing the
25 following:

26 (i) Paying the towing and storage charges.

27 (ii) Applying for title to the vehicle.

1 (c) Hold another public sale under subsection (1).

2 (4) A person who acquires ownership of a vehicle under
3 subsection (1) or (3) that has been designated as a distressed
4 vehicle shall apply for a salvage certificate of title within 15
5 days after obtaining the vehicle.

6 (5) Upon disposition of the vehicle, the police agency **OR**
7 **TOWING AGENCY OR CUSTODIAN** shall provide the secretary of state **AND**
8 **THE POLICE AGENCY, IF THAT POLICE AGENCY DID NOT CONDUCT THE SALE,**
9 with the vehicle's disposition and the name of the agency that
10 disposed of it and **THE POLICE AGENCY** shall cancel the entry in the
11 law enforcement information network.

12 (6) **NOT LESS THAN 25 DAYS AFTER THE DATE OF NOTICE REQUIRED**
13 **UNDER SECTION 252A, IF THE POLICE AGENCY DOES NOT PROVIDE A COPY OF**
14 **THE BILL OF SALE BY THE POLICE AGENCY FOR THE ABANDONED VEHICLE TO**
15 **THE TOWING AGENCY OR CUSTODIAN OR POLICE AGENCY'S DESIGNEE, THE**
16 **TOWING AGENCY OR CUSTODIAN OR POLICE AGENCY DESIGNEE MAY OBTAIN AN**
17 **ORIGINAL OF THE BILL OF SALE BY SUBMITTING AN APPLICATION TO THE**
18 **SECRETARY OF STATE IN A FORM AS DETERMINED BY THE SECRETARY OF**
19 **STATE.**

20 Sec. 252k. Except as otherwise provided in section 252l, an
21 owner or lessor of private real property shall post a notice that
22 meets all of the following requirements before authorizing the
23 towing or removal of a vehicle from the real property without the
24 consent of the owner or other person who is legally entitled to
25 possess the vehicle:

26 (a) The notice shall be prominently displayed at ~~a~~**EACH** point
27 of entry for vehicular access to the real property. If the real

1 property lacks curbs or access barriers, not less than 1 notice
2 shall be posted for each 100 feet of road frontage.

3 (b) The notice clearly indicates in letters not less than 2
4 inches high on a contrasting background that unauthorized vehicles
5 will be towed away at the owner's expense.

6 (c) The notice provides the name and telephone number of the
7 towing service responsible for towing or removing vehicles from
8 that property.

9 (d) The notice is permanently installed with the bottom of the
10 notice located not less than 4 feet from the ground and is
11 continuously maintained on the property for not less than 24 hours
12 before a vehicle is towed or removed.

13 Sec. 252l. Section 252k does not apply to ~~either~~ **ANY** of the
14 following:

15 (a) Real property that is appurtenant to and obviously part of
16 a single- or dual-family residence.

17 (b) An instance when notice is personally given to the owner
18 or other legally entitled person in control of a vehicle that the
19 area where the vehicle is parked is reserved or otherwise
20 unavailable to unauthorized vehicles and that the vehicle is
21 subject to towing or removal from the private real property without
22 the consent of the owner or other legally entitled person in
23 control of the vehicle.

24 **(C) A VEHICLE REMOVED FROM PRIVATE PROPERTY UNDER SECTION**
25 **252D.**

26 Sec. 625n. (1) Except as otherwise provided in this section
27 and in addition to any other penalty provided for in this act, the

1 judgment of sentence for a conviction for a violation of section
2 625(1) described in section ~~625(8)(b) or (c)~~ **625(9)(B) OR (C)**, a
3 violation of section 625(3) described in section ~~625(10)(b) or (c)~~
4 **625(11)(B) OR (C)**, a violation of section 625(4), (5), or (7), or a
5 violation of section 904(4) or (5) may require 1 of the following
6 with regard to the vehicle used in the offense if the defendant
7 owns the vehicle in whole or in part or leases the vehicle:

8 (a) Forfeiture of the vehicle if the defendant owns the
9 vehicle in whole or in part.

10 (b) Return of the vehicle to the lessor if the defendant
11 leases the vehicle.

12 (2) The vehicle may be seized pursuant to an order of seizure
13 issued by the court having jurisdiction upon a showing of probable
14 cause that the vehicle is subject to forfeiture or return to the
15 lessor.

16 (3) The forfeiture of a vehicle is subject to the interest of
17 the holder of a security interest who did not have prior knowledge
18 of or consent to the violation.

19 (4) Within 14 days after the defendant's conviction for a
20 violation described in subsection (1), the prosecuting attorney may
21 file a petition with the court for the forfeiture of the vehicle or
22 to have the court order return of a leased vehicle to the lessor.
23 The prosecuting attorney shall give notice by first-class mail or
24 other process to the defendant and his or her attorney, to all
25 owners of the vehicle, and to any person holding a security
26 interest in the vehicle that the court may require forfeiture or
27 return of the vehicle.

1 (5) If a vehicle is seized before disposition of the criminal
2 proceedings, a defendant who is an owner or lessee of the vehicle
3 may move the court having jurisdiction over the proceedings to
4 require the seizing agency to file a lien against the vehicle and
5 to return the vehicle to the owner or lessee pending disposition of
6 the criminal proceedings. The court shall hear the motion within 7
7 days after the motion is filed. If the defendant establishes at the
8 hearing that he or she holds the legal title to the vehicle or that
9 he or she has a leasehold interest and that it is necessary for him
10 or her or a member of his or her family to use the vehicle pending
11 the outcome of the forfeiture action, the court may order the
12 seizing agency to return the vehicle to the owner or lessee. If the
13 court orders the return of the vehicle to the owner or lessee, the
14 court shall order the defendant to post a bond in an amount equal
15 to the retail value of the vehicle, and shall also order the
16 seizing agency to file a lien against the vehicle.

17 (6) Within 14 days after notice by the prosecuting attorney is
18 given under subsection (4), the defendant, an owner, lessee, or
19 holder of a security interest may file a claim of interest in the
20 vehicle with the court. Within 21 days after the expiration of the
21 period for filing claims, but before or at sentencing, the court
22 shall hold a hearing to determine the legitimacy of any claim, the
23 extent of any co-owner's equity interest, the liability of the
24 defendant to any co-lessee, and whether to order the vehicle
25 forfeited or returned to the lessor. In considering whether to
26 order forfeiture, the court shall review the defendant's driving
27 record to determine whether the defendant has multiple convictions

1 under section 625 or a local ordinance substantially corresponding
2 to section 625, or multiple suspensions, restrictions, or denials
3 under section 904, or both. If the defendant has multiple
4 convictions under section 625 or multiple suspensions,
5 restrictions, or denials under section 904, or both, that factor
6 shall weigh heavily in favor of forfeiture.

7 (7) If a vehicle is forfeited under this section, the unit of
8 government that seized the vehicle shall sell the vehicle **PURSUANT**
9 **TO THE PROCEDURES UNDER SECTION 252G(1)** and dispose of the proceeds
10 in the following order of priority:

11 (a) Pay any outstanding security interest of a secured party
12 who did not have prior knowledge of or consent to the commission of
13 the violation.

14 (b) Pay the equity interest of a co-owner who did not have
15 prior knowledge of or consent to the commission of the violation.

16 (c) Satisfy any order of restitution entered in the
17 prosecution for the violation.

18 **(D) PAY ANY OUTSTANDING ACCRUED TOWING AND STORAGE FEES.**

19 **(E)** ~~(d)~~—Pay the claim of each person who shows that he or she
20 is a victim of the violation to the extent that the claim is not
21 covered by an order of restitution.

22 **(F)** ~~(e)~~—Pay any outstanding lien against the property that has
23 been imposed by a governmental unit.

24 **(G)** ~~(f)~~—Pay the proper expenses of the proceedings for
25 forfeiture and sale, including, but not limited to, expenses
26 incurred during the seizure process and expenses for maintaining
27 custody of the property, advertising, and court costs.

1 (H) ~~(g)~~—The balance remaining after the payment of items (a)
2 through ~~(f)~~—(G) shall be distributed by the court having
3 jurisdiction over the forfeiture proceedings to the unit or units
4 of government substantially involved in effecting the forfeiture.
5 Seventy-five percent of the money received by a unit of government
6 under this subdivision shall be used to enhance enforcement of the
7 criminal laws and 25% of the money shall be used to implement the
8 crime victim's rights act, 1985 PA 87, MCL 780.751 to 780.834. A
9 unit of government receiving money under this subdivision shall
10 report annually to the department of management and budget the
11 amount of money received under this subdivision that was used to
12 enhance enforcement of the criminal laws and the amount that was
13 used to implement the crime victim's rights act, 1985 PA 87, MCL
14 780.751 to 780.834.

15 (8) The court may order the defendant to pay to a co-lessee
16 any liability determined under subsection (6). The order may be
17 enforced in the same manner as a civil judgment.

18 (9) The return of a vehicle to the lessor under this section
19 does not affect or impair the lessor's rights or the defendant's
20 obligations under the lease.

21 (10) A person who knowingly conceals, sells, gives away, or
22 otherwise transfers or disposes of a vehicle with the intent to
23 avoid forfeiture or return of the vehicle to the lessor under this
24 section is guilty of a misdemeanor punishable by imprisonment for
25 not more than 1 year or a fine of not more than \$1,000.00, or both.

26 (11) The failure of the court or prosecutor to comply with any
27 time limit specified in this section does not preclude the court

1 from ordering forfeiture of a vehicle or its return to a lessor,
2 unless the court finds that the owner or claimant suffered
3 substantial prejudice as a result of that failure.

4 (12) The forfeiture provisions of this section do not preclude
5 the prosecuting attorney from pursuing a forfeiture proceeding
6 under any other law of this state or a local ordinance
7 substantially corresponding to this section.

8 Sec. 716. (1) Unless specifically declared to be a civil
9 infraction, it is a misdemeanor for a person to drive or move or
10 for the owner to cause or permit to be driven or moved on a highway
11 a vehicle or vehicles of a size or weight exceeding the limitations
12 stated in this chapter or otherwise in violation of this chapter,
13 and the maximum size and weight specified in this chapter are
14 lawful throughout this state, and local authorities shall not alter
15 those size and weight limitations except as express authority is
16 granted in this chapter.

17 ~~(2) The provisions of this chapter governing size, weight, and~~
18 ~~load do not apply to a fire apparatus, to an implement of husbandry~~
19 ~~incidentally moved upon a highway, a combination of vehicles~~
20 ~~described in, and under the conditions provided by, subsection (4),~~
21 ~~or to a vehicle operated under the terms of a special permit issued~~
22 ~~as provided in this chapter.~~ **THE PROVISION OF THIS CHAPTER**
23 **GOVERNING SIZE, WEIGHT, AND LOAD DO NOT APPLY TO A FIRE APPARATUS,**
24 **TO AN IMPLEMENT OF HUSBANDRY, A BOAT LIFT OR OVERSIZED HYDRAULIC**
25 **BOAT TRAILER OWNED AND OPERATED BY A MARINA OR WATERCRAFT DEALER**
26 **USED EXCLUSIVELY IN A COMMERCIAL BOAT STORAGE OPERATION AND**
27 **INCIDENTALLY MOVED UPON A HIGHWAY, A COMBINATION OF VEHICLES**

1 DESCRIBED IN, AND UNDER THE CONDITIONS PROVIDED BY, SUBSECTION (4),
2 OR TO A VEHICLE OPERATED UNDER THE TERMS OF A SPECIAL PERMIT ISSUED
3 AS PROVIDED IN THIS CHAPTER.

4 (3) The state transportation department, under the
5 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
6 24.328, may promulgate rules permitting and regulating the
7 operation of a vehicle or vehicles of a size or weight that exceeds
8 the size or weight limitations in this chapter. The rules may
9 restrict or proscribe the conditions of operation of a vehicle or
10 vehicles of a size or weight that exceeds the size or weight
11 limitations in this chapter, if the restriction or proscription is
12 necessary to protect the public safety or to prevent undue damage
13 to a road foundation or surface, a structure, or an installation.
14 The rules may provide for a reasonable inspection fee for an
15 inspection of a vehicle or vehicles to determine whether their
16 sizes and weights are in conformance with this act, and may require
17 other security necessary to compensate for damage caused by the
18 vehicle or vehicles described in this subsection.

19 (4) A wrecker and a disabled vehicle, or a wrecker and a
20 combination of a disabled vehicle and 1 trailer, that exceeds the
21 size and weight limitations in this chapter may be operated upon
22 the highways of this state under the following conditions:

23 (a) The wrecker is specifically designed for such towing
24 operations, is equipped with flashing, oscillating, or rotating
25 amber or red lights as permitted under section 698, and is capable
26 of utilizing the lighting and braking systems of the disabled
27 vehicle or combination of disabled vehicles if those systems are

1 operational.

2 (b) For a combination of disabled vehicles, the wrecker is
3 issued a special permit under section 725 by the state
4 transportation department if each trip beginning from the place of
5 original disablement of the combination of disabled vehicles is 25
6 miles or less except that, for each trip that begins and ends north
7 of a line between Ludington and Pinconning, the trip beginning from
8 the place of original disablement of the combination of vehicles
9 may be 50 miles or less. The special permit is valid for the entire
10 towing distance set forth in this subdivision, and the operator of
11 the wrecker may remove the disabled vehicles from the roadway at
12 any lawful point of his or her choosing within that distance.

13 (c) For a single disabled vehicle, the wrecker is issued a
14 special permit under section 725 by the state transportation
15 department for the transport of the disabled vehicle. A wrecker
16 operator is not subject to mileage limitations for a special permit
17 issued for purposes of this subdivision.

18 (d) The wrecker does not operate on any highway, road, street,
19 or structure included on a list provided by the state
20 transportation department unless the disabled vehicle or
21 combination of vehicles is located on 1 of those roads or
22 structures.

23 (5) The owner or operator of a wrecker that does not comply
24 with subsection (4)(d) is responsible for a civil infraction and
25 shall pay a civil fine of not less than \$250.00 or more than
26 \$500.00. The civil fine imposed under this subsection is in
27 addition to any fine that may be imposed under section 724 or 725.

1 Sec. 717. (1) The total outside width of a vehicle or the load
2 on a vehicle shall not exceed 96 inches, except as otherwise
3 provided in this section.

4 (2) A person may operate or move an implement of husbandry of
5 any width on a highway as required, designed, and intended for
6 farming operations, including the movement of implements of
7 husbandry being driven or towed and not hauled on a trailer,
8 without obtaining a special permit for an excessively wide vehicle
9 or load under section 725. The operation or movement of the
10 implement of husbandry shall be in a manner so as to minimize the
11 interruption of traffic flow. A person shall not operate or move an
12 implement of husbandry to the left of the center of the roadway
13 from a half hour after sunset to a half hour before sunrise, under
14 the conditions specified in section 639, or at any time visibility
15 is substantially diminished due to weather conditions. A person
16 operating or moving an implement of husbandry shall follow all
17 traffic regulations.

18 (3) The total outside width of the load of a vehicle hauling
19 concrete pipe, agricultural products, or unprocessed logs,
20 pulpwood, or wood bolts shall not exceed 108 inches.

21 (4) Except as provided in subsections (2) and (5) and this
22 subsection, if a vehicle that is equipped with pneumatic tires is
23 operated on a highway, the maximum width from the outside of 1
24 wheel and tire to the outside of the opposite wheel and tire shall
25 not exceed 102 inches, and the outside width of the body of the
26 vehicle or the load on the vehicle shall not exceed 96 inches.
27 However, a truck and trailer or a tractor and semitrailer

1 combination hauling pulpwood or unprocessed logs may be operated
2 with a maximum width of not to exceed 108 inches in accordance with
3 a special permit issued under section 725.

4 (5) The total outside body width of a bus, a trailer coach, a
5 trailer, a semitrailer, a truck camper, or a motor home shall not
6 exceed 102 inches. However, an appurtenance of a trailer coach, a
7 truck camper, or a motor home that extends not more than 6 inches
8 beyond the total outside body width is not a violation of this
9 section.

10 (6) A vehicle shall not extend beyond the center line of a
11 state trunk line highway except when authorized by law. Except as
12 provided in subsection (2), if the width of the vehicle makes it
13 impossible to stay away from the center line, a permit shall be
14 obtained under section 725.

15 (7) The director of the state transportation department, a
16 county road commission, or a local authority may designate a
17 highway under the agency's jurisdiction as a highway on which a
18 person may operate a vehicle or vehicle combination that is not
19 more than 102 inches in width, including load, the operation of
20 which would otherwise be prohibited by this section. The agency
21 making the designation may require that the owner or lessee of the
22 vehicle or of each vehicle in the vehicle combination secure a
23 permit before operating the vehicle or vehicle combination. This
24 subsection does not restrict the issuance of a special permit under
25 section 725 for the operation of a vehicle or vehicle combination.
26 This subsection does not permit the operation of a vehicle or
27 vehicle combination described in section 722a carrying a load

1 described in that section if the operation would otherwise result
2 in a violation of that section.

3 (8) The director of the state transportation department, a
4 county road commission, or a local authority may issue a special
5 permit under section 725 to a person operating a vehicle or vehicle
6 combination if all of the following are met:

7 (a) The vehicle or vehicle combination, including load, is not
8 more than 106 inches in width.

9 (b) The vehicle or vehicle combination is used solely to move
10 new motor vehicles or parts or components of new motor vehicles
11 between facilities that meet all of the following:

12 (i) New motor vehicles or parts or components of new motor
13 vehicles are manufactured or assembled in the facilities.

14 (ii) The facilities are located within 10 miles of each other.

15 (iii) The facilities are located within the city limits of the
16 same city and the city is located in a county that has a population
17 of more than 400,000 and less than 500,000 according to the most
18 recent federal decennial census.

19 (c) The special permit and any renewals are each issued for a
20 term of 1 year or less.

21 (9) A PERSON MAY MOVE OR OPERATE A BOAT LIFT OF ANY WIDTH OR
22 AN OVERSIZED HYDRAULIC BOAT TRAILER OWNED AND OPERATED BY A MARINA
23 OR WATERCRAFT DEALER IN A COMMERCIAL BOAT STORAGE OPERATION ON A
24 HIGHWAY UNDER A MULTIPLE TRIP PERMIT ISSUED ON AN ANNUAL BASIS AS
25 SPECIFIED UNDER SECTION 725. THE OPERATION OR MOVEMENT OF THE BOAT
26 LIFT OR TRAILER SHALL MINIMIZE THE INTERRUPTION OF TRAFFIC FLOW. IT
27 SHALL BE USED EXCLUSIVELY TO TRANSPORT A BOAT BETWEEN A PLACE OF

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1 STORAGE AND A MARINA OR IN AND AROUND A MARINA. A BOAT LIFT OR
 2 OVERSIZED HYDRAULIC BOAT TRAILER MAY BE OPERATED, DRAWN, OR TOWED
 3 ON A STREET OR HIGHWAY ONLY WHEN TRANSPORTING A VESSEL BETWEEN A
 4 BODY OF WATER AND A PLACE OF STORAGE OR WHEN TRAVELING EMPTY TO OR
 5 FROM TRANSPORTING A VESSEL. A BOAT LIFT SHALL NOT BE OPERATED ON
 6 LIMITED ACCESS HIGHWAYS. A PERSON MOVING OR OPERATING A BOAT LIFT
 7 OR OVERSIZED HYDRAULIC BOAT TRAILER SHALL FOLLOW ALL TRAFFIC
 8 REGULATIONS AND SHALL ENSURE THE ROUTE SELECTED HAS ADEQUATE POWER
 9 AND UTILITY WIRE HEIGHT CLEARANCE.

10 (10) ~~(9)~~—A person who violates this section is responsible for
 11 a civil infraction. The owner of the vehicle may be charged with a
 12 violation of this section.

<<Sec. 726. (1) Local authorities and county road commissions with
 respect to highways under their jurisdiction, except state trunk line
 highways, by ordinance or resolution, may do any of the following:

(a) Prohibit the operation of trucks or other commercial vehicles
 on designated highways or streets.

(b) Impose limitations as to the weight of trucks or other
 commercial vehicles on designated highways or streets.

(c) Provide that only certain highways or streets may be used by
 trucks or other commercial vehicles.

(2) Any prohibitions, limitations, or truck route designations
 established under subsection (1) shall be designated by appropriate signs
 placed on the highways or streets. The design and placement of the signs
 shall be consistent with the requirements of section 608.

(3) IF A TOWNSHIP HAS ESTABLISHED ANY PROHIBITION OR LIMITATION
 UNDER SUBSECTION (1) ON ANY COUNTY PRIMARY ROAD THAT AN ADJOINING
 TOWNSHIP DETERMINES DIVERTS TRAFFIC ONTO A BORDER HIGHWAY OR STREET
 SHARED BY THE TOWNSHIP AND THE ADJOINING TOWNSHIP, THE ADJOINING TOWNSHIP
 MAY SUBMIT A WRITTEN OBJECTION TO THE COUNTY ROAD COMMISSION HAVING
 JURISDICTION OVER THE COUNTY PRIMARY ROAD, ALONG WITH A COPY TO THE
 TOWNSHIP THAT ESTABLISHED THE PROHIBITION OR LIMITATION, ON OR BEFORE THE
 LATER OF MARCH 1, 2009, OR 60 DAYS AFTER THE TOWNSHIP APPROVES THE
 PROHIBITION OR LIMITATION. THE WRITTEN OBJECTION SHALL EXPLAIN HOW THE
 PROHIBITION OR LIMITATION DIVERTS TRAFFIC ONTO THE BORDER HIGHWAY OR
 STREET SHARED BY THE TOWNSHIP AND THE ADJOINING TOWNSHIP. THE COUNTY ROAD
 COMMISSION SHALL THEN INVESTIGATE THE OBJECTION. THE TOWNSHIP AND
 ADJOINING TOWNSHIP SHALL COOPERATE WITH THAT INVESTIGATION AND NEGOTIATE
 IN GOOD FAITH TO RESOLVE THE OBJECTION. IF THE OBJECTION IS NOT RESOLVED
 WITHIN 60 DAYS AFTER THE TOWNSHIP RECEIVES THE COPY OF THE WRITTEN
 OBJECTION, THE COUNTY ROAD COMMISSION HAS THE AUTHORITY TO, AND SHALL,
 EITHER APPROVE OR VOID THE PROHIBITION OR LIMITATION THAT IS THE SUBJECT
 OF THE OBJECTION WITHIN 60 DAYS THEREAFTER, WHICH DECISION SHALL BE
 FINAL. FOR PURPOSES OF THIS SUBSECTION, "COUNTY PRIMARY ROAD" MEANS A
 HIGHWAY OR STREET DESIGNATED AS A COUNTY PRIMARY ROAD PURSUANT TO 1951 PA
 51, MCL 247.671 TO 247.675.

(4) ~~(3)~~—A person who violates a prohibition, limitation, or truck
 route designation established pursuant to subsection (1) is responsible
 for a civil infraction.>>

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