

HOUSE BILL No. 4839

May 24, 2007, Introduced by Rep. Farrah and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 11, 208c, 252a, 252d, 252e, 252f, 252g, and 252l (MCL 257.11, 257.208c, 257.252a, 257.252d, 257.252e, 257.252f, 257.252g, and 257.252l), section 11 as amended by 2003 PA 37, section 208c as amended by 2004 PA 362, sections 252a, 252d, 252e, and 252f as amended by 2004 PA 495, and section 252g as amended and section 252l as added by 2004 PA 493.

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,

1 brokering, leasing, or dealing in vehicles of a type required to be
2 titled under this act.

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

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

8 (b) A person engaged in the actual remanufacturing of engines
9 or transmissions.

10 (2) There is a rebuttable presumption that a person who in a
11 12-month period buys and sells, exchanges, brokers, leases, or
12 deals in 5 or more vehicles, or buys and sells, exchanges, brokers,
13 or deals in salvageable parts for 5 or more vehicles, or buys 5 or
14 more vehicles to sell vehicle parts or to process into scrap metal
15 is engaged in a business **OF BEING A DEALER AS** described in
16 subsection (1).

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

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

21 (b) A bank holding company.

22 (c) A person who buys or sells remanufactured vehicle engine
23 and transmission salvageable vehicle parts or who receives in
24 exchange used engines or transmissions if the primary business of
25 the person is the selling of new vehicle parts and the person is
26 not engaged in any other activity that requires a dealer license
27 under this act.

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

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

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

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

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

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

15 **(J) A PERSON ENGAGED IN THE INCIDENTAL SALE OF VEHICLES THAT**
16 **ARE CONSIDERED ABANDONED AS DEFINED IN SECTION 252A(2) AND ARE**
17 **VALUED AT \$2,500.00 OR LESS.**

18 Sec. 208c. (1) Except as provided in this section and in
19 section 232, personal information in a record maintained under this
20 act shall not be disclosed, unless the person requesting the
21 information furnishes proof of identity satisfactory to the
22 secretary of state and certifies that the personal information
23 requested will be used for a permissible purpose identified in this
24 section or in section 232. However, highly restricted personal
25 information shall be used and disclosed only as expressly permitted
26 in section 307 or as otherwise expressly provided by law.

27 (2) Personal information in a record maintained under this act

1 shall be disclosed by the secretary of state if required to carry
2 out the purposes of federal law or federal regulations.

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

5 (a) For use by a federal, state, or local governmental agency,
6 including a court or law enforcement agency, in carrying out the
7 agency's functions, or by a private person or entity acting on
8 behalf of a governmental agency in carrying out the agency's
9 functions.

10 (b) For use in connection with matters of motor vehicle and
11 driver safety or auto theft; motor vehicle emissions; motor vehicle
12 product alterations, recalls, or advisories; performance monitoring
13 of motor vehicles; motor vehicle market research activities,
14 including survey research; and the removal of nonowner records from
15 the original records of motor vehicle manufacturers.

16 (c) For use in the normal course of business by a legitimate
17 business, including the agents, employees, and contractors of the
18 business, but only to verify the accuracy of personal information
19 submitted by an individual to the business or its agents,
20 employees, or contractors, and if the information as so submitted
21 is no longer correct, to obtain the correct information, for the
22 sole purpose of preventing fraud by pursuing legal remedies
23 against, or recovering on a debt against, the individual.

24 (d) For use in connection with a civil, criminal,
25 administrative, or arbitration proceeding in a federal, state, or
26 local court or governmental agency or before a self-regulatory
27 body, including use for service of process, investigation in

1 anticipation of litigation, and the execution or enforcement of
2 judgments and orders, or pursuant to an order of a federal, state,
3 or local court, an administrative agency, or a self-regulatory
4 body.

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

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

13 (g) For use in providing notice to the owner of an abandoned,
14 towed, or impounded vehicle **OR FOR USE BY THE CUSTODIAN OF A**
15 **VEHICLE THAT IS CONSIDERED ABANDONED AS DEFINED IN SECTION 252A(2),**
16 **FOR THE SOLE PURPOSE OF DISPOSING OF THAT VEHICLE.**

17 (h) For use either by a private detective or private
18 investigator licensed under the private detective license act, 1965
19 PA 285, MCL 338.821 to 338.851, or by a private security guard
20 agency or alarm system contractor licensed under the private
21 security business and security alarm act, 1968 PA 330, MCL 338.1051
22 to 338.1083, only for a purpose permitted under this section.

23 (i) For use by an employer, or the employer's agent or
24 insurer, to obtain or verify information relating either to the
25 holder of a commercial driver license that is required under
26 federal law or to the holder of a chauffeur's license that is
27 required under chapter 3.

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

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

6 (l) For use by a news medium in the preparation and
7 dissemination of a report related in part or in whole to the
8 operation of a motor vehicle or public safety. "News medium"
9 includes a newspaper, a magazine or periodical published at regular
10 intervals, a news service, a broadcast network, a television
11 station, a radio station, a cablecaster, or an entity employed by
12 any of the foregoing.

13 (m) For any use by an individual requesting information
14 pertaining to himself or herself or requesting in writing that the
15 secretary of state provide information pertaining to himself or
16 herself to the individual's designee. A request for disclosure to a
17 designee, however, may be submitted only by the individual.

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

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

1 \$50.00.

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

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

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

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

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

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

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

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

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

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

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

1 vehicle, if available.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (F) The procedure to redeem the vehicle.

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

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

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

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

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

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

1 section 252h.

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

10 (9) If a vehicle has remained on private property without the
11 consent of the property owner, the owner of the private property
12 may have the vehicle taken into custody as an abandoned vehicle by
13 contacting a local towing agency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (vi) The procedure to redeem the vehicle.

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

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

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

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

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

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

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

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

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

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

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

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

8 Sec. 252d. (1) A police agency or a governmental agency
9 designated by the police agency may provide for the immediate
10 removal of a vehicle from public or private property to a place of
11 safekeeping at the expense of the registered owner of the vehicle
12 in any of the following circumstances:

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

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

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

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

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

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

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

4 (h) If the vehicle is stopped, standing, or parked in a space
5 designated as parking for persons with disabilities and is not
6 permitted by law to be stopped, standing, or parked in a space
7 designated as parking for persons with disabilities.

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

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

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

15 (2) If the owner or other person who is legally entitled to
16 possess the vehicle arrives at the location where a vehicle is
17 located before the actual towing or removal of the vehicle, the
18 vehicle shall be disconnected from the tow truck, and the owner or
19 other person who is legally entitled to possess the vehicle may
20 take possession of the vehicle and remove it without interference
21 upon the payment of the reasonable service fee, for which a receipt
22 shall be provided.

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

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

27 (b) ~~Follow~~ **EXCEPT FOR VEHICLES IMPOUNDED UNDER SUBSECTION**

1 (1) (D), (E), OR (K), A POLICE AGENCY SHALL ENTER THE VEHICLE INTO
2 THE LAW ENFORCEMENT INFORMATION NETWORK AS ABANDONED NOT LESS THAN
3 7 DAYS AFTER AUTHORIZING THE REMOVAL AND FOLLOW the procedures set
4 forth in section 252a.

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

9 (5) NOT LESS THAN 20 DAYS BUT NOT MORE THAN 30 DAYS AFTER A
10 VEHICLE HAS BEEN RELEASED UNDER SUBSECTION (4), THE TOWING AGENCY
11 OR CUSTODIAN SHALL NOTIFY THE POLICE AGENCY TO ENTER THE VEHICLE AS
12 ABANDONED AND THE POLICE AGENCY SHALL FOLLOW THE PROCEDURES SET
13 FORTH IN SECTION 252A IF THE IMPOUNDED VEHICLE HAS NOT BEEN
14 REDEEMED.

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

19 (a) The district court.

20 (b) A municipal court.

21 (2) The court specified in the notice prescribed in section
22 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) shall be
23 the court that has territorial jurisdiction at the location from
24 where the vehicle was removed or ~~deemed~~ **CONSIDERED** abandoned. Venue
25 in the district court shall be governed by section 8312 of the
26 revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

27 (3) If the owner fails to pay the accrued towing and storage

1 fees, the towing and storage bond posted with the court to secure
2 release of the vehicle under section 252a, 252b, or 252d shall be
3 used to pay the towing and storage fees.

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

8 (a) Schedule a hearing within 30 days for the purpose of
9 determining whether the police agency, **TOWING AGENCY OR CUSTODIAN,**
10 **OR PRIVATE PROPERTY OWNER** acted properly.

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

15 (2) At the hearing specified in subsection (1), the police
16 agency, **TOWING AGENCY OR CUSTODIAN, OR, IF THE VEHICLE WAS REMOVED**
17 **FROM PRIVATE PROPERTY, THE PRIVATE PROPERTY OWNER** shall have the
18 burden of showing by a preponderance of the evidence that it has
19 complied with the requirements of this act in **REPORTING OR**
20 processing the abandoned vehicle or vehicle removed under section
21 252d.

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

24 (a) A finding that the police agency complied with the
25 procedures established for the processing of an abandoned vehicle
26 or a vehicle removed under section **252A, 252B, OR** 252d, and an
27 order providing a period of 20 days after the decision for the

1 owner to redeem the vehicle. If the owner does not redeem the
2 vehicle within 20 days, the police agency shall dispose of the
3 vehicle under section 252b or 252g. The court shall forward \$25.00
4 of the fee collected under section 252b or 252g to the secretary of
5 state within 30 days after the court's decision in a manner
6 prescribed by the secretary of state. The towing and storage fees
7 and \$15.00 of the fee collected under section 252b or 252g shall be
8 forwarded to the towing agency.

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

17 (c) A finding that the towing fees and daily storage fees were
18 reasonable.

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

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

25 **(F) A FINDING THAT THE OWNER OF THE REAL PROPERTY DID NOT**
26 **COMPLY WITH THE PROVISIONS OF SECTION 252K OR 252l, AND ISSUE AN**
27 **ORDER REQUIRING THE OWNER OF THE REAL PROPERTY TO REIMBURSE THE**

1 LAST TITLED OWNER OF THE VEHICLE FOR THE ACCRUED TOWING AND STORAGE
2 CHARGES.

3 (G) A FINDING THAT THE TOWING AGENCY DID NOT COMPLY WITH THE
4 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF AN
5 ABANDONED VEHICLE REMOVED UNDER SECTION 252A(10), 252B, OR 252D.
6 AFTER MAKING THE FINDING, THE COURT SHALL ISSUE AN ORDER DIRECTING
7 THAT THE VEHICLE IMMEDIATELY BE RELEASED TO THE OWNER AND THAT THE
8 TOWING AGENCY IS RESPONSIBLE FOR THE ACCRUED TOWING AND STORAGE
9 CHARGES. THE COURT SHALL ALSO ORDER ANY FEE OR BOND POSTED BY THE
10 OWNER TO BE RETURNED TO THE OWNER.

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

15 (a) It shall be under the control of the police agency or the
16 agency's designee or the custodian of the vehicle or the
17 custodian's designee.

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

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

26 (d) The public notice shall be published at least once in a
27 newspaper having a general circulation within the county in which

1 the vehicle was abandoned. The public notice shall give a
2 description of the vehicle for sale and shall state the time, date,
3 and location of the sale.

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

6 (a) Towing and storage charges.

7 (b) Expenses incurred by the police agency or the custodian of
8 the vehicle.

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

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

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

15 (ii) Remainder to the owner. A reasonable attempt shall be made
16 to mail the remainder to the last titled owner. If delivery of the
17 remainder cannot be accomplished, the remainder shall become the
18 property of the unit of government governing the location from
19 which the vehicle was towed.

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

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

1 (b) Obtain title to the vehicle for the police agency or the
2 unit of government the police agency represents, by doing the
3 following:

4 (i) Paying the towing and storage charges.

5 (ii) Applying for title to the vehicle.

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

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

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

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

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

27 (a) Real property that is appurtenant to and obviously part of

1 a single- or dual-family residence.

2 (b) An instance when notice is personally given to the owner
3 or other legally entitled person in control of a vehicle that the
4 area where the vehicle is parked is reserved or otherwise
5 unavailable to unauthorized vehicles and that the vehicle is
6 subject to towing or removal from the private real property without
7 the consent of the owner or other legally entitled person in
8 control of the vehicle.

9 (C) **A VEHICLE REMOVED FROM PRIVATE PROPERTY UNDER SECTION**
10 **252D.**