

# HOUSE BILL No. 4360

March 15, 2017, Introduced by Rep. Lucido and referred to the Committee on Local Government.

A bill to prohibit a local government, law enforcement agency, or university from operating a motor vehicle storage facility; to prohibit a local government, law enforcement agency, or university from accepting consideration from an authorized vendor that operates a motor vehicle storage facility; to prohibit a local government, law enforcement agency, or university from requiring an authorized vendor to deliver a motor vehicle to a motor vehicle storage facility operated by a different authorized vendor; to provide for exceptions; to prescribe the powers and duties of certain state and local departments, entities, and officials; to prescribe the powers and duties of certain law enforcement agencies; and to provide for remedies and penalties.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 1. As used in this act:

1 (a) "Authorized vendor" means an individual or entity that a  
2 local government, law enforcement agency, or university designates  
3 through contract, permit, practice, or license to have authority to  
4 remove or store motor vehicles at the request of the local  
5 government, law enforcement agency, or university.

6 (b) "Law enforcement agency" means the department of state  
7 police, the department of natural resources, or a law enforcement  
8 agency of a county, township, city, village, airport authority,  
9 community college, or university, that is responsible for the  
10 prevention and detection of crime and enforcement of the criminal  
11 laws of this state.

12 (c) "Local government" means a county, city, village,  
13 township, community college district, or an authority established  
14 by law.

15 (d) "Motor vehicle" means that term as defined in section 33  
16 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

17 (e) "Motor vehicle storage facility" means a facility operated  
18 to hold motor vehicles that have been taken into custody for  
19 safekeeping.

20 (f) "University" means a state supported 4-year college or  
21 university.

22 Sec. 2. Except as otherwise provided in section 3, beginning  
23 on the effective date of this act, a local government, law  
24 enforcement agency, or university shall not do any of the  
25 following:

26 (a) Operate a motor vehicle storage facility.

27 (b) Accept any consideration, financial or other, from an

1 authorized vendor that operates a motor vehicle storage facility.

2 (c) Require an authorized vendor to deliver a motor vehicle to  
3 a motor vehicle storage facility operated by a different authorized  
4 vendor.

5 Sec. 3. (1) If, on or before the effective date of this act, a  
6 local government, law enforcement agency, or university is  
7 operating a motor vehicle storage facility, that local government,  
8 law enforcement agency, or university may continue to operate that  
9 motor vehicle storage facility after the effective date of this  
10 act.

11 (2) If, on or before the effective date of this act, a local  
12 government, law enforcement agency, or university accepts  
13 consideration, financial or other, from any authorized vendor that  
14 operates a motor vehicle storage facility, that local government,  
15 law enforcement agency, or university may continue to accept  
16 consideration, financial or other, from any authorized vendor after  
17 the effective date of this act.

18 (3) If, on or before the effective date of this act, a local  
19 government, law enforcement agency, or university requires any  
20 authorized vendor to deliver a motor vehicle to a motor vehicle  
21 storage facility operated by a different authorized vendor, that  
22 local government, law enforcement agency, or university may  
23 continue to require any authorized vendor to deliver a motor  
24 vehicle to a motor vehicle storage facility operated by a different  
25 authorized vendor after the effective date of this act.

26 Sec. 4. If a local government, law enforcement agency, or  
27 university violates section 2, an authorized vendor may bring a

1 cause of action against the local government, law enforcement  
2 agency, or university and may recover the amount of the actual  
3 damages sustained, plus costs and reasonable attorney fees.

4       Sec. 5. The owner or lessee of a motor vehicle that is held at  
5 a motor vehicle storage facility that is being operated in  
6 violation of section 2 may bring a cause of action against the  
7 local government, law enforcement agency, or university and may  
8 recover all towing and storage fees paid by the owner or lessee or  
9 \$150.00, whichever is greater, plus costs and reasonable attorney  
10 fees.

11       Enacting section 1. This act takes effect 90 days after the  
12 date it is enacted into law.