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House Bill 4960 (Substitute H-1 as passed by the House)
Sponsor: Representative Andrew Fink
House Committee: Transportation
Senate Committee: Transportation and Infrastructure

Date Completed: 5-11-22

CONTENT

The bill would amend the Michigan Vehicle Code to do the following:

- **Require a police agency that authorized the removal of a vehicle to enter the vehicle into the Law Enforcement Information Network (LEIN) as an impounded vehicle within 24 hours after ordering the vehicle's impoundment.**
- **Require the police agency to deem the vehicle abandoned and enter the vehicle into LEIN as abandoned within 24 hours if the vehicle were not redeemed by the owner within seven days after its impoundment.**
- **Require the towing agency or custodian of the impounded vehicle to provide certain notification to the police agency that authorized the removal of the vehicle concerning the vehicle's status as redeemed by the owner.**

The bill would take effect 90 days after its enactment.

The Code allows a police agency or its governmental designee to provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last titled owner of the vehicle under certain circumstances. Among other circumstances, the Code specifies that a police agency or its designee may act as described above if any of the following apply:

- There is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- If the vehicle must be seized to preserve evidence of a crime, or if there is reasonable cause to believe that the vehicle was used in the commission of a crime.
- If the vehicle has been involved in a traffic crash and cannot be operated safely from the scene of the crash.

Except for the circumstances described above, the Code requires the police agency authorizing the removal of a vehicle to enter the vehicle into LEIN as abandoned at least seven days after authorizing the removal. Instead, under the bill, a police agency that authorized the removal of a vehicle as allowed by the Code would have to enter the vehicle into LEIN as an impounded vehicle within 24 hours after ordering the impoundment of the vehicle. Except as required by the Code and described below, if the vehicle had not been redeemed by the owner within seven days after the impoundment, the towing agency would have to notify the police agency of that fact and the police agency would have to deem the vehicle abandoned. The police agency would have to enter the vehicle into LEIN as abandoned within 24 hours of notification by the towing agency. (For the three circumstances described above, the Code requires the

police agency to release the impounded vehicle before the towing agency or custodian may release the vehicle to its owner.)

If an impounded vehicle were released before the police agency entered the vehicle into LEIN as abandoned, the towing agency or custodian would have to notify the police agency that authorized a vehicle's removal within 24 hours of releasing it.

Under the Code, between 20 and 30 days after a vehicle impounded under the circumstances described above has been released by the police agency, the towing agency or custodian must notify the police agency to enter the vehicle as abandoned. The bill would require the police agency to enter the vehicle into LEIN as abandoned within 24 hours after receiving this notice.

The Code requires the court specified in the notice prescribed by Section 252a(5)(b) or 252b(7) or as provided in Section 252d(3)(b) to be the court that has territorial jurisdiction at the location from where the vehicle was removed or considered abandoned. The bill would extend this jurisdiction to the location from where the vehicle was impounded. (Section 252a(5)(b), Section 252b(7), and Section 252d(3)(b) generally require the police agency that authorizes the removal of a vehicle to include in certain notices to the Secretary of State and to LEIN the name of the court that has jurisdiction over the case.)

MCL 257.252d & 257.252e

Legislative Analyst: Tyler P. VanHuyse

FISCAL IMPACT

The bill would result in a minimal fiscal impact on State and local law enforcement agencies, mainly as a result of the requirement that vehicles defined as abandoned be entered into LEIN within 24 hours of that designation. As noted above, under current law, this entry into LEIN is required only within seven days. Since there could be many vehicles that would lose abandoned status between two days and seven days, the bill likely would result in more required date entries than in the past. Law enforcement agencies could accomplish these additional tasks using their existing fiscal resources.

Fiscal Analyst: Bruce Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.