

# HOUSE BILL NO. 4960

June 03, 2021, Introduced by Reps. Fink, Peterson, Damoose, Beeler and Hall and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending sections 252d and 252e (MCL 257.252d and 257.252e), section 252d as amended by 2012 PA 498 and section 252e as amended by 2008 PA 539.

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

- 1           Sec. 252d. (1) A police agency or a governmental agency
- 2           designated by the police agency may provide for the immediate
- 3           removal of a vehicle from public or private property to a place of

1 safekeeping at the expense of the ~~last-titled~~**last titled** owner of  
2 the vehicle in any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

1 (k) If the vehicle has been involved in a traffic crash and  
2 cannot be safely operated from the scene of the crash.

3 (2) Unless the vehicle is ordered to be towed by a police  
4 agency or a governmental agency designated by a police agency under  
5 subsection (1)(a), (d), (e), or (k), if the owner or other person  
6 ~~who~~**that** is legally entitled to possess a vehicle to be towed or  
7 removed arrives at the location where the vehicle is located before  
8 the actual towing or removal of the vehicle, the vehicle ~~shall~~**must**  
9 be disconnected from the tow truck, and the owner or other person  
10 ~~who~~**that** is legally entitled to possess the vehicle may take  
11 possession of the vehicle and remove it without interference upon  
12 the payment of the reasonable service fee, for which a receipt  
13 ~~shall~~**must** be provided.

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

16 (a) Check to determine if the vehicle has been reported stolen  
17 ~~prior to~~**before** authorizing the removal of the vehicle.

18 (b) Except for vehicles impounded under subsection (1)(d),  
19 (e), or (k), ~~a~~**the** police agency shall enter the vehicle into the  
20 law enforcement information network as ~~abandoned not less than an~~  
21 **impounded vehicle not less than 24 hours after ordering the impound**  
22 **of the vehicle. If the vehicle has not been redeemed by the owner**  
23 **within 7 days after authorizing the removal**~~impound~~, **the police**  
24 **agency ordering the impound shall deem the vehicle abandoned, and**  
25 **within 24 hours enter the vehicle into the law enforcement**  
26 **information network as abandoned**, and follow the procedures set  
27 forth in section 252a.

28 (4) A vehicle impounded under subsection (1)(d), (e), or (k)  
29 must first be released by the police agency that authorized the

1 removal prior to the towing agency or custodian releasing the  
2 vehicle to the vehicle owner.

3 (5) Not less than 20 days but not more than 30 days after a  
4 vehicle has been released under subsection (4), the towing agency  
5 or custodian shall notify the police agency to enter the vehicle as  
6 abandoned and the police agency shall **enter the vehicle into the**  
7 **law enforcement information network as abandoned within 24 hours of**  
8 **receiving notice and** follow the procedures set forth in section  
9 252a if the impounded vehicle has not been redeemed.

10 Sec. 252e. (1) The following courts have jurisdiction to  
11 determine if a police agency, towing agency or custodian, or  
12 private property owner has acted properly in reporting or  
13 processing a vehicle under section 252a, 252b(6) to (11), or 252d:

14 (a) The district court.

15 (b) A municipal court.

16 (2) The court specified in the notice prescribed in section  
17 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) ~~shall be~~  
18 **is** the court that has territorial jurisdiction at the location from  
19 where the vehicle was removed, **impounded**, or considered abandoned.  
20 Venue in the district court ~~shall be~~**is** governed by section 8312 of  
21 the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

22 (3) If the owner fails to pay the accrued towing and storage  
23 fees, the towing and storage bond posted with the court to secure  
24 release of the vehicle under section 252a, 252b, or 252d ~~shall~~**must**  
25 be used to pay the towing and storage fees.

26 (4) The remedies under sections 252 ~~through to~~ 254 are the  
27 exclusive remedies for the disposition of abandoned vehicles.

28 Enacting section 1. This amendatory act takes effect 90 days  
29 after the date it is enacted into law.