



HOUSE BILL No. 4995

October 13, 1999, Introduced by Reps. Toy, Martinez, Caul, Patterson, Sheltroun, Julian, Spade, Lockwood, Woodward, Gilbert, DeWeese, Law, Richner, Koetje, Rick Johnson, Jelinek, Bogardus, Sanborn, Wojno, Jamnick, Garza, Bovin, Ehardt, Mortimer, Switalski, Brater, Garcia, Minore, Bishop, Voorhees, Woronchak, Tabor, Van Woerkom, Hale, Allen, Kelly, Shackleton, Jansen, Birkholz, Kilpatrick, Gielegem, Kuipers, DeHart, Richardville, Schauer, Raczkowski, Kowall, Kukuk, Cassis, Bisbee, Cherry, Quarles, Clark, Rison and Reeves and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 252d and 674 (MCL 257.252d and 257.674), as
amended by 1998 PA 68.

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
4 of safekeeping at the expense of the registered owner of the
5 vehicle in any of the following circumstances:

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

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

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

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

7 (e) If the vehicle must be seized to preserve evidence of a
8 crime, or when there is reasonable cause to believe that the
9 vehicle was used in the commission of a crime.

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

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

16 (h) If the vehicle is stopped, standing, or parked in a
17 space designated as parking for persons with disabilities and is
18 not permitted by law to be stopped, standing, or parked in a
19 space designated as parking for persons with disabilities.

20 (I) IF THE VEHICLE IS STOPPED, STANDING, OR PARKED IN AN
21 ACCESS AISLE OR LANE IMMEDIATELY ADJACENT TO PARKING DESCRIBED IN
22 SUBDIVISION (H) AND IS NOT PERMITTED BY LAW TO BE IN SUCH A SPACE
23 OR IN FRONT OF A RAMP OR A CURB-CUT IN SUCH A MANNER AS TO BLOCK
24 ACCESS TO A DISABLED PERSON IN A WHEELCHAIR.

25 (2) A police agency which authorizes the removal of a vehi-
26 cle under subsection (1) shall do all of the following:

1 (a) Check to determine if the vehicle has been reported
2 stolen.

3 (b) Within 24 hours after removing the vehicle, enter the
4 vehicle into the law enforcement information network if the vehi-
5 cle has not been redeemed. This subdivision does not apply to a
6 vehicle that is removed from the scene of a motor vehicle traffic
7 accident.

8 (c) If the vehicle has not been redeemed within 10 days
9 after moving the vehicle, send to the registered owner and the
10 secured party as shown by the records of the secretary of state,
11 by first-class mail or personal service, a notice that the vehi-
12 cle has been removed; however, if the police agency informs the
13 owner or operator of the vehicle of the removal and the location
14 of the vehicle within 24 hours after the removal, and if the
15 vehicle has not been redeemed within 30 days and upon complaint
16 from the towing service, the police agency shall send the notice
17 within 30 days after the removal. The notice shall be by a form
18 furnished by the secretary of state. The notice form shall con-
19 tain the following information:

20 (i) The year, make, and vehicle identification number of the
21 vehicle.

22 (ii) The location from which the vehicle was taken into
23 custody.

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

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

1 (v) The location where the vehicle is being held.

2 (vi) The procedure to redeem the vehicle.

3 (vii) The procedure to contest the fact that the vehicle was
4 properly removed or the reasonableness of the towing and daily
5 storage fees.

6 (viii) A form petition which the owner may file in person or
7 by mail with the specified court ~~which~~ THAT requests a hearing
8 on the police agency's action.

9 (ix) A warning that the failure to redeem the vehicle or to
10 request a hearing within 20 days after the date of the notice may
11 result in the sale of the vehicle and the termination of all
12 rights of the owner and the secured party to the vehicle or the
13 proceeds of the sale or to both the vehicle and the proceeds.

14 (3) The registered owner may contest the fact that the vehi-
15 cle was properly removed or the reasonableness of the towing fees
16 and daily storage fees by requesting a hearing. A request for a
17 hearing shall be made by filing a petition with the court speci-
18 fied in the notice within 20 days after the date of the notice.
19 If the owner requests a hearing, the matter shall be resolved
20 after a hearing conducted pursuant to sections 252e and 252f. An
21 owner who requests a hearing may obtain release of the vehicle by
22 posting a towing and storage bond with the court in an amount
23 equal to the accrued towing and storage fees. The owner of a
24 vehicle who requests a hearing may obtain release of the vehicle
25 by paying the towing and storage fees instead of posting the
26 towing and storage bond. If the court finds that the vehicle was

1 not properly removed, the police agency shall reimburse the owner
2 of the vehicle for the accrued towing and storage fees.

3 (4) If the owner does not request a hearing, he or she may
4 obtain the release of the vehicle by paying the accrued charges
5 to the custodian of the vehicle.

6 (5) If the owner does not redeem the vehicle or request a
7 hearing within 20 days, the secured party may obtain the release
8 of the vehicle by paying the accrued charges to the custodian of
9 the vehicle prior to the date of the sale.

10 (6) Not less than 20 days after the disposition of the hear-
11 ing described in subsection (3), or if a hearing is not
12 requested, not less than 20 days after the date of the notice
13 described in subsection (2)(c), the police agency shall offer the
14 vehicle for sale at a public sale unless the vehicle is
15 redeemed. The public sale shall be held pursuant to section
16 252g.

17 (7) If the ownership of a vehicle ~~which has been~~ THAT WAS
18 removed under this section cannot be determined either because of
19 the condition of the vehicle identification numbers or because a
20 check with the records of the secretary of state does not reveal
21 ownership, the police agency may sell the vehicle at public sale
22 pursuant to section 252g, not less than 30 days after public
23 notice of the sale has been published.

24 Sec. 674. (1) A vehicle shall not be parked, except if nec-
25 essary to avoid conflict with other traffic or in compliance with
26 the law or the directions of a police officer or traffic-control
27 device, in any of the following places:

- 1 (a) On a sidewalk.
- 2 (b) In front of a public or private driveway.
- 3 (c) Within an intersection.
- 4 (d) Within 15 feet of a fire hydrant.
- 5 (e) On a crosswalk.
- 6 (f) Within 20 feet of a crosswalk, or if there is not a
7 crosswalk, then within 15 feet of the intersection of property
8 lines at an intersection of highways.
- 9 (g) Within 30 feet of the approach to a flashing beacon,
10 stop sign, or traffic-control signal located at the side of a
11 highway.
- 12 (h) Between a safety zone and the adjacent curb or within 30
13 feet of a point on the curb immediately opposite the end of a
14 safety zone, unless a different length is indicated by an offi-
15 cial sign or marking.
- 16 (i) Within 50 feet of the nearest rail of a railroad
17 crossing.
- 18 (j) Within 20 feet of the driveway entrance to a fire sta-
19 tion and on the side of a street opposite the entrance to a fire
20 station within 75 feet of the entrance if properly marked by an
21 official sign.
- 22 (k) Alongside or opposite a street excavation or obstruc-
23 tion, if the stopping, standing, or parking would obstruct
24 traffic.
- 25 (l) On the roadway side of a vehicle stopped or parked at
26 the edge or curb of a street.

1 (m) Upon a bridge or other elevated highway structure or
2 within a highway tunnel.

3 (n) At a place where an official sign prohibits stopping or
4 parking.

5 (o) Within 500 feet of an accident at which a police officer
6 is in attendance, if the scene of the accident is outside of a
7 city or village.

8 (p) In front of a theater.

9 (q) In a place or in a manner which blocks immediate egress
10 from an emergency exit conspicuously marked as an emergency exit
11 of a building.

12 (r) In a place or in a manner which blocks or hampers the
13 immediate use of an immediate egress from a fire escape conspicu-
14 ously marked as a fire escape providing an emergency means of
15 egress from a building.

16 (s) In a parking space clearly identified by an official
17 sign as being reserved for use by disabled persons which is on
18 public property or private property available for public use,
19 unless the individual is a disabled person as described in sec-
20 tion 19a or unless the individual is parking the vehicle for the
21 benefit of a disabled person. In order for the vehicle to be
22 parked in the parking space the vehicle shall display 1 of the
23 following:

24 (i) A certificate of identification or windshield placard
25 issued under section 675 to a disabled person.

26 (ii) A special registration plate issued under section 803d
27 to a disabled person.

1 (iii) A similar certificate of identification or windshield
2 placard issued by another state to a disabled person.

3 (iv) A similar special registration plate issued by another
4 state to a disabled person.

5 (v) A special registration plate to which a tab for persons
6 with disabilities is attached issued under this act.

7 (T) IN AN ACCESS AISLE OR SPACE IMMEDIATELY ADJACENT TO A
8 PARKING SPACE DESCRIBED IN SUBDIVISION (S) THAT IS TO BE USED BY
9 A DISABLED PERSON IN A WHEELCHAIR OR IN FRONT OF A RAMP OR A
10 CURB-CUT IN SUCH A MANNER AS TO BLOCK ACCESS TO A DISABLED PERSON
11 IN A WHEELCHAIR.

12 (U) ~~(t)~~ Within 500 feet of a fire at which fire apparatus
13 is in attendance, if the scene of the fire is outside a city or
14 village. However, volunteer fire fighters responding to the fire
15 may park within 500 feet of the fire in a manner not to interfere
16 with fire apparatus at the scene. A vehicle parked legally pre-
17 vious to the fire is exempt from this subdivision.

18 (V) ~~(u)~~ In violation of an official sign restricting the
19 period of time for or manner of parking.

20 (W) ~~(v)~~ In a space controlled or regulated by a meter on a
21 public highway or in a publicly owned parking area or structure,
22 if the allowable time for parking indicated on the meter has
23 expired, unless the vehicle properly displays 1 or more of the
24 items listed in section 675(8).

25 (X) ~~(w)~~ On a street or highway in such a way as to
26 obstruct the delivery of mail to a rural mailbox by a carrier of
27 the United States postal service.

1 (Y) ~~(x)~~ In a place or in a manner which blocks the use of
2 an alley.

3 (2) A person shall not move a vehicle not owned by the
4 person into a prohibited area or away from a curb a distance
5 which makes the parking unlawful.

6 (3) A bus, for the purpose of taking on or discharging pas-
7 sengers, may be stopped at a place described in subsection
8 (1)(b), (d), or (f) or on the roadway side of a vehicle illegally
9 parked in a legally designated bus loading zone. A bus, for the
10 purpose of taking on or discharging a passenger, may be stopped
11 at a place described in subsection (1)(n) if the place is posted
12 by an appropriate bus stop sign, except that a bus shall not stop
13 at such a place if the stopping is specifically prohibited by the
14 responsible local authority, the state transportation department,
15 or the director of the department of state police.

16 (4) A person who violates this section is responsible for a
17 civil infraction.