

SUBSTITUTE FOR
HOUSE BILL NO. 4839

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 11, 208c, 252a, 252d, 252e, 252f, 252g, 252k,
and 252l (MCL 257.11, 257.208c, 257.252a, 257.252d, 257.252e,
257.252f, 257.252g, 257.252k, 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 sections 252k and 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

1 following:

2 (i) Engaged in the business of purchasing, selling, exchanging,
3 brokering, leasing, or dealing in vehicles of a type required to be
4 titled under this act.

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

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

10 (b) A person engaged in the actual remanufacturing of engines
11 or transmissions.

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

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

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

23 (b) A bank holding company.

24 (c) A person who buys or sells remanufactured vehicle engine
25 and transmission salvageable vehicle parts or who receives in
26 exchange used engines or transmissions if the primary business of
27 the person is the selling of new vehicle parts and the person is

1 not engaged in any other activity that requires a dealer license
2 under this act.

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

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

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

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

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

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

17 **(J) A PERSON WHO HAS RECEIVED A VEHICLE UNDER SECTION**
18 **252G(3) (A) FOR THE PURPOSE OF SELLING THAT VEHICLE TO A DEALER**
19 **LICENSED UNDER THIS ACT.**

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

1 in section 307 or as otherwise expressly provided by law.

2 (2) Personal information in a record maintained under this act
3 shall be disclosed by the secretary of state if required to carry
4 out the purposes of federal law or federal regulations.

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

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

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

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

26 (d) For use in connection with a civil, criminal,
27 administrative, or arbitration proceeding in a federal, state, or

1 local court or governmental agency or before a self-regulatory
2 body, including use for service of process, investigation in
3 anticipation of litigation, and the execution or enforcement of
4 judgments and orders, or pursuant to an order of a federal, state,
5 or local court, an administrative agency, or a self-regulatory
6 body.

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

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

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

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

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

1 federal law or to the holder of a chauffeur's license that is
2 required under chapter 3.

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

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

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

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

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

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

1 disposition of the vehicle under section 252g is responsible for a
2 civil infraction and shall be ordered to pay a civil fine of
3 \$50.00.

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

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

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

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

13 (ii) If a valid registration plate is not affixed to the
14 vehicle.

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

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

22 (b) The name and address of the police agency taking the
23 action.

24 (c) The name and badge number of the police officer affixing
25 the notice.

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

1 removed.

2 (e) The year, make, and vehicle identification number of the
3 vehicle, if available.

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

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

9 (a) Recheck to determine if the vehicle has been reported
10 stolen.

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

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

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

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

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

24 (v) The name and business address of the custodian of the
25 vehicle.

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

27 (c) Within 7 days after receiving notice under subdivision (b)

1 that the vehicle has been taken into custody, the secretary of
2 state shall do both of the following:

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

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

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

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

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

16 (E) The name and business address of the custodian of the
17 vehicle.

18 (F) The procedure to redeem the vehicle.

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

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

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

1 of the owner and the secured party to the vehicle or the proceeds
2 of the sale.

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

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

24 (7) If the owner does not request a hearing under subsection
25 (6), he or she may obtain the release of the vehicle by paying a
26 fee of \$40.00 and the accrued towing and storage fees to the
27 custodian of the vehicle. The custodian of the vehicle shall

1 forward \$25.00 of the fee to the secretary of state within 30 days
2 after receipt in a manner prescribed by the secretary of state, who
3 shall deposit the fee into the abandoned vehicle fund created in
4 section 252h.

5 (8) If the owner does not redeem the vehicle or request a
6 hearing within 20 days after the date of the notice described in
7 subsection (5)(c), the secured party may obtain the release of the
8 vehicle by paying a \$40.00 fee plus the accrued charges to the
9 custodian of the vehicle. The custodian of the vehicle shall
10 forward \$25.00 of the fee to the secretary of state, who shall
11 deposit the fee into the abandoned vehicle fund created in section
12 252h.

13 (9) If a vehicle has remained on private property without the
14 consent of the property owner, the owner of the private property
15 may have the vehicle taken into custody as an abandoned vehicle by
16 contacting a local towing agency. **A LOCAL TOWING AGENCY IS**
17 **CONSIDERED A TOWING AGENCY WHOSE STORAGE LOT IS LOCATED WITHIN 15**
18 **MILES FROM THE BORDER OF THE LOCAL UNIT OF GOVERNMENT HAVING**
19 **JURISDICTION OVER THE ABANDONED VEHICLE.**

20 (10) Before removing the vehicle from private property, the
21 towing agency shall ~~notify~~ **PROVIDE REASONABLE NOTICE BY TELEPHONE,**
22 **OR OTHERWISE, TO** a police agency having jurisdiction over the
23 vehicle that the vehicle is being removed. The police agency shall
24 determine if the vehicle has been reported stolen and ~~have~~ **ENTER**
25 the vehicle ~~entered~~ into the law enforcement information network as
26 an abandoned vehicle. **VERIFICATION BY THE POLICE AGENCY OF**
27 **COMPLIANCE WITH THIS SECTION IS NOT NECESSARY AND IS NOT A**

1 **PREDICATE TO THE ENTRANCE OF THE VEHICLE INTO THE LAW ENFORCEMENT**
2 **INFORMATION NETWORK.**

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

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

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

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

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

15 (e) The name and business address of the custodian of the
16 vehicle.

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

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

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

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

27 (ii) The location from which the vehicle was taken into

1 custody.

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

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

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

6 (vi) The procedure to redeem the vehicle.

7 (vii) The procedure to contest the fact that the vehicle is
8 considered abandoned or the reasonableness of the towing fees and
9 daily storage fees.

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

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

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

21 (13) The owner may contest the fact that the vehicle is
22 abandoned or, unless the towing fees and daily storage fees are
23 established by contract with the local governmental unit or local
24 law enforcement agency and comply with section 252i, the
25 reasonableness of the towing fees and daily storage fees by
26 requesting a hearing. A request for a hearing shall be made by
27 filing a petition with the court specified in the notice within 20

1 days after the date of the notice. If the owner requests a hearing,
2 the matter shall be resolved after a hearing conducted under
3 section 252f. An owner who requests a hearing may obtain release of
4 the vehicle by posting with the court a towing and storage bond in
5 an amount equal to \$40.00 plus the accrued towing and storage fees.
6 The owner of a vehicle who requests a hearing may obtain release of
7 the vehicle by paying a fee of \$40.00 to the court plus the towing
8 and storage fees instead of posting the towing and storage bond.

9 (14) If the owner does not request a hearing, he or she may
10 obtain the release of the vehicle by paying a fee of \$40.00 plus
11 the accrued charges to the custodian of the vehicle. The custodian
12 shall forward \$25.00 of the fee collected under this subsection to
13 the secretary of state within 30 days after receipt in a manner
14 prescribed by the secretary of state, who shall deposit the fee
15 into the abandoned vehicle fund created in section 252h.

16 (15) If the owner does not redeem the vehicle or request a
17 hearing within 20 days after the date of the notice, the secured
18 party may obtain the release of the vehicle by paying a fee of
19 \$40.00 and the accrued towing and storage fees to the custodian of
20 the vehicle. The custodian shall forward \$25.00 of the fee
21 collected under this subsection to the secretary of state within 30
22 days after receipt in a manner prescribed by the secretary of
23 state, who shall deposit the fee into the abandoned vehicle fund
24 created in section 252h.

25 (16) Not less than 20 days after the disposition of the
26 hearing described in subsection (6) or, if a hearing is not
27 requested, not less than 20 days after the date of the notice, the

1 police agency if the abandoned vehicle is found on public property,
2 or the custodian of the vehicle if the vehicle is found on private
3 property, shall offer the vehicle for sale at a public sale under
4 section 252g.

5 (17) If the ownership of a vehicle that is considered
6 abandoned under this section cannot be determined either because of
7 the condition of the vehicle identification numbers or because a
8 check with the records of the secretary of state as described in
9 section 221 or 237 does not reveal ownership, the police agency may
10 sell the vehicle at public sale as provided in section 252g not
11 less than 30 days after public notice of the sale has been
12 published.

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

17 Sec. 252d. (1) A police agency or a governmental agency
18 designated by the police agency may provide for the immediate
19 removal of a vehicle from public or private property to a place of
20 safekeeping at the expense of the ~~registered~~**LAST-TITLED** owner of
21 the vehicle in any of the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

24 (2) If the owner or other person who is legally entitled to
25 possess the vehicle arrives at the location where a vehicle is
26 located before the actual towing or removal of the vehicle, the
27 vehicle shall be disconnected from the tow truck, and the owner or

1 other person who is legally entitled to possess the vehicle may
2 take possession of the vehicle and remove it without interference
3 upon the payment of the reasonable service fee, for which a receipt
4 shall be provided.

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

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

9 (b) ~~Follow~~**EXCEPT FOR VEHICLES IMPOUNDED UNDER SUBSECTION**
10 **(1) (D), (E), OR (K), A POLICE AGENCY SHALL ENTER THE VEHICLE INTO**
11 **THE LAW ENFORCEMENT INFORMATION NETWORK AS ABANDONED NOT LESS THAN**
12 **7 DAYS AFTER AUTHORIZING THE REMOVAL AND FOLLOW** the procedures set
13 forth in section 252a.

14 (4) **A VEHICLE IMPOUNDED UNDER SUBSECTION (1) (D), (E), OR (K)**
15 **MUST FIRST BE RELEASED BY THE POLICE AGENCY THAT AUTHORIZED THE**
16 **REMOVAL PRIOR TO THE TOWING AGENCY OR CUSTODIAN RELEASING THE**
17 **VEHICLE TO THE VEHICLE OWNER.**

18 (5) **NOT LESS THAN 20 DAYS BUT NOT MORE THAN 30 DAYS AFTER A**
19 **VEHICLE HAS BEEN RELEASED UNDER SUBSECTION (4), THE TOWING AGENCY**
20 **OR CUSTODIAN SHALL NOTIFY THE POLICE AGENCY TO ENTER THE VEHICLE AS**
21 **ABANDONED AND THE POLICE AGENCY SHALL FOLLOW THE PROCEDURES SET**
22 **FORTH IN SECTION 252A IF THE IMPOUNDED VEHICLE HAS NOT BEEN**
23 **REDEEMED.**

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

1 (a) The district court.

2 (b) A municipal court.

3 (2) The court specified in the notice prescribed in section
4 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) shall be
5 the court that has territorial jurisdiction at the location from
6 where the vehicle was removed or ~~deemed~~**CONSIDERED** abandoned. Venue
7 in the district court shall be governed by section 8312 of the
8 revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

9 (3) If the owner fails to pay the accrued towing and storage
10 fees, the towing and storage bond posted with the court to secure
11 release of the vehicle under section 252a, 252b, or 252d shall be
12 used to pay the towing and storage fees.

13 **(4) THE REMEDIES UNDER SECTIONS 252 THROUGH 254 ARE THE**
14 **EXCLUSIVE REMEDIES FOR THE DISPOSITION OF ABANDONED VEHICLES.**

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

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

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

26 (2) At the hearing specified in subsection (1), the police
27 agency, **TOWING AGENCY OR CUSTODIAN, OR, IF THE VEHICLE WAS REMOVED**

1 **FROM PRIVATE PROPERTY, THE PRIVATE PROPERTY OWNER** shall have the
2 burden of showing by a preponderance of the evidence that it has
3 complied with the requirements of this act in **REPORTING OR**
4 processing the abandoned vehicle or vehicle removed under section
5 252d.

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

8 (a) A finding that the police agency complied with the
9 procedures established for the processing of an abandoned vehicle
10 or a vehicle removed under section **252A, 252B, OR** 252d, and an
11 order providing a period of 20 days after the decision for the
12 owner to redeem the vehicle. If the owner does not redeem the
13 vehicle within 20 days, the police agency shall dispose of the
14 vehicle under section 252b or 252g. The court shall forward \$25.00
15 of the fee collected under section 252b or 252g to the secretary of
16 state within 30 days after the court's decision in a manner
17 prescribed by the secretary of state. The towing and storage fees
18 and \$15.00 of the fee collected under section 252b or 252g shall be
19 forwarded to the towing agency.

20 (b) A finding that the police agency did not comply with the
21 procedures established for the processing of an abandoned vehicle
22 or a vehicle removed under section **252A, 252B, OR** 252d. After
23 making the finding, the court shall issue an order directing that
24 the vehicle immediately be released to the owner, and that the
25 police agency is responsible for the accrued towing and storage
26 charges. The court shall also order any fee or bond posted by the
27 owner to be returned to the owner.

1 (c) A finding that the towing fees and daily storage fees were
2 reasonable.

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

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

9 (F) A FINDING THAT THE OWNER OF THE REAL PROPERTY DID NOT
10 COMPLY WITH THE PROVISIONS OF SECTION 252K OR 252l, AND ISSUE AN
11 ORDER REQUIRING THE OWNER OF THE REAL PROPERTY TO REIMBURSE THE
12 LAST TITLED OWNER OF THE VEHICLE FOR THE ACCRUED TOWING AND STORAGE
13 CHARGES.

14 (G) A FINDING THAT THE TOWING AGENCY DID NOT COMPLY WITH THE
15 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF AN
16 ABANDONED VEHICLE REMOVED UNDER SECTION 252A(10), 252B, OR 252D.
17 AFTER MAKING THE FINDING, THE COURT SHALL ISSUE AN ORDER DIRECTING
18 THAT THE VEHICLE IMMEDIATELY BE RELEASED TO THE OWNER AND THAT THE
19 TOWING AGENCY IS RESPONSIBLE FOR THE ACCRUED TOWING AND STORAGE
20 CHARGES. THE COURT SHALL ALSO ORDER ANY FEE OR BOND POSTED BY THE
21 OWNER TO BE RETURNED TO THE OWNER.

22 (H) A FINDING THAT THE TOWING AGENCY DID COMPLY WITH THE
23 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF AN
24 ABANDONED VEHICLE REMOVED UNDER SECTION 252A(10), 252B, OR 252D.

25 Sec. 252g. (1) Subject to section 252a(16), a public sale for
26 a vehicle and its contents that has been determined to be abandoned
27 under section 252a or removed under section 252d shall be conducted

1 in the following manner:

2 (a) It shall be under the control of the police agency. ~~or the~~
3 ~~agency's designee or the custodian of the vehicle or the~~

4 ~~custodian's designee~~ **HOWEVER, A POLICE AGENCY MAY DESIGNATE THE**
5 **CUSTODIAN OF THE VEHICLE OR A THIRD PARTY TO CONDUCT THE AUCTION.**

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

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

14 (d) The public notice shall be published at least once in a
15 newspaper having a general circulation within the county in which
16 the vehicle was abandoned **OR IN SUCH A MANNER AS PROVIDED FOR ON**
17 **THE SECRETARY OF STATE'S WEBSITE.** The public notice shall give a
18 description of the vehicle for sale and shall state the time, date,
19 and location of the sale.

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

22 (a) Towing and storage charges.

23 (b) Expenses incurred by the police agency or the custodian of
24 the vehicle.

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

27 (d) Any extra money shall be sent to the department of

1 treasury's unclaimed property division to be disbursed as follows:

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

4 (ii) Remainder to the owner. A reasonable attempt shall be made
5 to mail the remainder to the last titled owner. If delivery of the
6 remainder cannot be accomplished, the remainder shall become the
7 property of the unit of government governing the location from
8 which the vehicle was towed.

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

11 (a) Turn the vehicle over to the towing firm or the custodian
12 of the vehicle to satisfy charges against the vehicle. However, if
13 the value of the vehicle does not satisfy the towing fees and
14 accrued daily storage fees, the custodian of the vehicle may
15 collect the balance of those unpaid fees from the last titled
16 owner, subject to section 252i.

17 (b) Obtain title to the vehicle for the police agency or the
18 unit of government the police agency represents, by doing the
19 following:

20 (i) Paying the towing and storage charges.

21 (ii) Applying for title to the vehicle.

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

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

27 (5) Upon disposition of the vehicle, the police agency **OR**

1 TOWING AGENCY OR CUSTODIAN shall provide the secretary of state AND
2 THE POLICE AGENCY, IF THAT POLICE AGENCY DID NOT CONDUCT THE SALE,
3 with the vehicle's disposition and the name of the agency that
4 disposed of it and THE POLICE AGENCY shall cancel the entry in the
5 law enforcement information network.

6 (6) NOT LESS THAN 25 DAYS AFTER THE DATE OF NOTICE REQUIRED
7 UNDER SECTION 252A, IF THE POLICE AGENCY DOES NOT PROVIDE A COPY OF
8 THE BILL OF SALE BY THE POLICE AGENCY FOR THE ABANDONED VEHICLE TO
9 THE TOWING AGENCY OR CUSTODIAN OR POLICE AGENCY'S DESIGNEE, THE
10 TOWING AGENCY OR CUSTODIAN OR POLICE AGENCY DESIGNEE MAY OBTAIN AN
11 ORIGINAL OF THE BILL OF SALE BY SUBMITTING AN APPLICATION TO THE
12 SECRETARY OF STATE IN A FORM AS DETERMINED BY THE SECRETARY OF
13 STATE.

14 Sec. 252k. Except as otherwise provided in section 252l, an
15 owner or lessor of private real property shall post a notice that
16 meets all of the following requirements before authorizing the
17 towing or removal of a vehicle from the real property without the
18 consent of the owner or other person who is legally entitled to
19 possess the vehicle:

20 (a) The notice shall be prominently displayed at ~~a~~-EACH point
21 of entry for vehicular access to the real property. If the real
22 property lacks curbs or access barriers, not less than 1 notice
23 shall be posted for each 100 feet of road frontage.

24 (b) The notice clearly indicates in letters not less than 2
25 inches high on a contrasting background that unauthorized vehicles
26 will be towed away at the owner's expense.

27 (c) The notice provides the name and telephone number of the

1 towing service responsible for towing or removing vehicles from
2 that property.

3 (d) The notice is permanently installed with the bottom of the
4 notice located not less than 4 feet from the ground and is
5 continuously maintained on the property for not less than 24 hours
6 before a vehicle is towed or removed.

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

9 (a) Real property that is appurtenant to and obviously part of
10 a single- or dual-family residence.

11 (b) An instance when notice is personally given to the owner
12 or other legally entitled person in control of a vehicle that the
13 area where the vehicle is parked is reserved or otherwise
14 unavailable to unauthorized vehicles and that the vehicle is
15 subject to towing or removal from the private real property without
16 the consent of the owner or other legally entitled person in
17 control of the vehicle.

18 **(C) A VEHICLE REMOVED FROM PRIVATE PROPERTY UNDER SECTION**
19 **252D.**