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BILL ANALYSIS



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House Bill 4400 (as passed by the House)
Sponsor: Representative Andrew Kandreas
House Committee: Transportation
Senate Committee: Transportation

Date Completed: 6-29-10

CONTENT

The bill would amend the Michigan Vehicle Code to permit the court to impose a \$25 assessment on a person who abandoned a vehicle, to be used to reimburse the law enforcement agency for expenses incurred in enforcing the prohibition against vehicle abandonment.

Section 252a of the Code prohibits a person from abandoning a vehicle in the State. If a vehicle has remained on public property for a specified period, a police agency with jurisdiction over the vehicle must determine whether it has been reported stolen and may affix to the vehicle a written notice stating, among other things, the date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.

If a vehicle has remained on private property without the consent of the property owner, the property owner may have the vehicle taken into custody as abandoned. Before removing it, the towing agency must notify a police agency having jurisdiction over the vehicle.

In either case, the police agency must determine if the vehicle has been reported stolen and enter it into the Law Enforcement Information Network (LEIN). Within 24 hours after taking the abandoned vehicle into custody, the police agency must notify the SOS through LEIN that the vehicle has been taken into custody as abandoned.

The vehicle owner may request a hearing to contest the fact that the vehicle was abandoned or the reasonableness of the towing fees or storage charges. If the owner does not request a hearing, he or she may obtain the release of the vehicle by paying a fee of \$40 and the accrued towing and storage fees to the custodian of the vehicle. The custodian must forward \$25 to the Secretary of State, who must deposit the money into the Abandoned Vehicle Fund.

If the owner fails to redeem the vehicle, he or she is responsible for a civil infraction and must be ordered to pay a civil fine of \$50.

Under the bill, if a person were responsible for a citation issued for a violation of Section 252a, the court could impose an assessment of \$25 as reimbursement for the expenses that the law enforcement agency incurred in the enforcement of that section, in addition to any other civil fine or charge allowed by law. The assessment would have to be remitted to the treasurer of the local unit of government or the State Treasurer, as applicable.

FISCAL IMPACT

The bill would result in additional revenue for the State and local units of government. Approximately 90,000 vehicles are annually processed through the Department of State's Abandoned Vehicle System. In 2009, 4,963 of the total were handled by the Department of State Police. Revenue generated would depend on the number of civil infraction citations issued under MCL 257.252a.

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