

SENATE BILL No. 1188

June 14, 2012, Introduced by Senator HUNE and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending sections 252d, 252g, and 252k (MCL 257.252d, 257.252g,
and 257.252k), 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
4 safekeeping at the expense of the last-titled owner of the vehicle
5 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.

9 (b) If the vehicle is parked or standing upon the highway in
10 such a manner as to create an immediate public hazard or an

1 obstruction of traffic.

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

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

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

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

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

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

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

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

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

25 ~~—— (2) If the owner or other person who is legally entitled to~~
26 ~~possess the vehicle arrives at the location where a vehicle is~~
27 ~~located before the actual towing or removal of the vehicle, the~~

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

6 (2) ~~(3)~~ A police agency that authorizes the removal of a
7 vehicle under subsection (1) shall do all of the following:

8 (a) Check to determine if the vehicle has been reported stolen
9 prior to authorizing the removal of the vehicle.

10 (b) Except for vehicles impounded under subsection (1)(d),
11 (e), or (k), a police agency shall enter the vehicle into the law
12 enforcement information network as abandoned not less than 7 days
13 after authorizing the removal and follow the procedures set forth
14 in section 252a.

15 (3) ~~(4)~~ A vehicle impounded under subsection (1)(d), (e), or
16 (k) must first be released by the police agency that authorized the
17 removal prior to the towing agency or custodian releasing the
18 vehicle to the vehicle owner.

19 (4) ~~(5)~~ Not less than 20 days but not more than 30 days after
20 a vehicle has been released under subsection ~~(4)~~, ~~(3)~~, the towing
21 agency or custodian shall notify the police agency to enter the
22 vehicle as abandoned and the police agency shall follow the
23 procedures set forth in section 252a if the impounded vehicle has
24 not been redeemed.

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.
3 However, a police agency may designate the custodian of the vehicle
4 or a third party to conduct the auction.

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

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

13 (d) The public notice shall be published at least once in a
14 newspaper having a general circulation within the county in which
15 the vehicle was abandoned. The public notice shall give a
16 description of the vehicle for sale and shall state the time, date,
17 and location of the sale.

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

20 (a) ~~Towing~~ **ACCRUED TOWING** and storage charges. **HOWEVER, IF THE**
21 **MONEY RECEIVED FROM THE PUBLIC SALE DOES NOT SATISFY THE ACCRUED**
22 **TOWING AND STORAGE CHARGES, THE TOWING COMPANY MAY COLLECT THE**
23 **BALANCE OF THOSE UNPAID FEES FROM THE LAST TITLED OWNER, SUBJECT TO**
24 **SECTION 252I.**

25 (b) Expenses incurred by the police agency or the custodian of
26 the vehicle.

27 (c) Payment of the \$40.00 abandoned vehicle fee described in

1 section 252f(3)(a).

2 (d) Any extra money shall be sent to the department of
3 treasury's unclaimed property division to be disbursed as follows:

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

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

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

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

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

22 (i) Paying the towing and storage charges.

23 (ii) Applying for title to the vehicle.

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

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

1 days after obtaining the vehicle.

2 (5) Upon disposition of the vehicle, the police agency or
3 towing agency or custodian shall provide the secretary of state and
4 the police agency, if that police agency did not conduct the sale,
5 with the vehicle's disposition and the name of the agency that
6 disposed of it and the police agency shall cancel the entry in the
7 law enforcement information network.

8 (6) Not less than 25 days after the date of notice required
9 under section 252a, if the police agency does not provide a copy of
10 the bill of sale by the police agency for the abandoned vehicle to
11 the towing agency or custodian or police agency's designee, the
12 towing agency or custodian or police agency designee may obtain an
13 original of the bill of sale by submitting an application to the
14 secretary of state in a form as determined by the secretary of
15 state.

16 Sec. 252k. (1) Except as otherwise provided in section 252l, an
17 owner or lessor of private real property shall post a notice that
18 meets all of the following requirements before authorizing the
19 towing or removal of a vehicle from the real property without the
20 consent of the owner or other person who is legally entitled to
21 possess the vehicle:

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

26 (b) The notice clearly indicates in letters not less than 2
27 inches high on a contrasting background that unauthorized vehicles

1 will be towed away at the owner's expense.

2 (c) The notice provides the name and telephone number of the
3 towing service responsible for towing or removing vehicles from
4 that property.

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

9 (2) UNLESS THE VEHICLE IS ORDERED TO BE TOWED BY A POLICE
10 AGENCY OR A GOVERNMENTAL AGENCY DESIGNATED BY A POLICE AGENCY UNDER
11 SECTION 252D, IF THE OWNER OR OTHER PERSON WHO IS LEGALLY ENTITLED
12 TO POSSESS A VEHICLE TO BE TOWED OR REMOVED FROM PRIVATE PROPERTY
13 ARRIVES AT THE LOCATION WHERE THE VEHICLE IS LOCATED BEFORE THE
14 ACTUAL TOWING OR REMOVAL OF THE VEHICLE, THE VEHICLE SHALL BE
15 DISCONNECTED FROM THE TOW TRUCK, AND THE OWNER OR OTHER PERSON WHO
16 IS LEGALLY ENTITLED TO POSSESS THE VEHICLE MAY TAKE POSSESSION OF
17 THE VEHICLE AND REMOVE IT WITHOUT INTERFERENCE UPON THE PAYMENT OF
18 THE REASONABLE SERVICE FEE, FOR WHICH A RECEIPT SHALL BE PROVIDED.