

HOUSE BILL No. 5563

May 8, 2014, Introduced by Reps. LaFontaine, Foster, Geiss, Zorn, McBroom, Johnson, Haugh, Rendon, Kandrevas, Goike, Kivela, Dianda and Kosowski and referred to the Committee on Natural Resources.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 80125 (MCL 324.80125), as added by 1995 PA 58,
and by adding sections 80130f, 80130g, 80130h, 80130i, 80130j,
80130k, 80130l, 80130m, 80130n, 80130o, 80130p, 81151, and 82161.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 80125. (1) The owner of a vessel shall notify the
2 secretary of state within 15 days if the vessel is destroyed ~~7~~
3 ~~abandoned,~~ or sold; if an interest in the vessel is transferred ~~7~~
4 either wholly or in part, to another person; or if the owner's
5 address no longer conforms to the address appearing on the
6 certificate of number. The notice shall consist of a surrender of
7 the certificate of number, on which the proper information shall be
8 noted on a place to be provided on the certificate. When the

1 surrender of the certificate is due to the vessel being destroyed,
2 ~~or abandoned,~~ the secretary of state shall cancel the certificate
3 and enter that fact in the secretary of state's records, and the
4 number may be reassigned.

5 (2) The owner of a destroyed vessel, upon proper application,
6 may receive a new certificate of number, valid for the remainder of
7 the numbering period, for a replacement vessel, if all of the
8 following conditions are met:

9 (a) The replacement vessel is owned by the same person who
10 owned the destroyed vessel.

11 (b) The owner of the replacement vessel pays additional fees,
12 if required under section 80124, due to the change in vessel size
13 or classification.

14 (c) Payment of a \$2.00 application fee.

15 (3) If the fees required for the replacement vessel under
16 section 80124 are less than the fees that were required for the
17 destroyed vessel, the owner of the vessel shall not receive a
18 refund.

19 (4) If the surrender of the certificate of number is due to a
20 change of the owner's address, the new address shall be recorded by
21 the secretary of state and a certificate of number bearing that
22 information shall be returned to the owner.

23 (5) The transferee of a vessel registered under this part,
24 within 15 days after acquisition of the vessel, shall ~~make~~
25 ~~application~~ **APPLY** to the secretary of state for transfer to the
26 transferee of the certificate of number issued to the vessel. The
27 transferee shall provide his or her name, address, and the number

1 of the vessel and pay to the secretary of state a transfer fee of
2 \$2.00. The registration fee for the certificate of number shall be
3 $\frac{2}{3}$ the fee provided in section 80124 if the transferred
4 certificate of number would have remained valid for 1 year or less.
5 The registration fee for the certificate of number shall be $\frac{1}{3}$ the
6 fee provided in section 80124 if the transferred certificate of
7 number would have remained valid for more than 1 year but less than
8 2 years. An additional registration fee shall not be assessed if
9 the transferred registration would have remained valid for 2 or
10 more years. Unless the application is made and the fee paid within
11 15 days after acquisition of the vessel, the vessel shall be
12 considered to be without certificate of number and a person shall
13 not operate the vessel until a certificate is issued. Upon receipt
14 of the application and appropriate fees, the secretary of state
15 shall transfer the certificate of number issued for the vessel to
16 the new owner. The certificate of number shall be valid for a 3-
17 year period.

18 (6) If a certificate of number is lost, mutilated, or
19 illegible, the owner of the vessel shall obtain a duplicate of the
20 certificate upon application and payment of a fee of \$2.00.

21 **SEC. 80130F. (1) A PERSON SHALL NOT ABANDON A VESSEL IN THIS**
22 **STATE. IT IS PRESUMED THAT THE LAST TITLED OWNER OR, IF THERE IS NO**
23 **TITLED OWNER, THE LAST REGISTERED OWNER OF THE VESSEL IS**
24 **RESPONSIBLE FOR ABANDONING THE VESSEL UNLESS THE PERSON PROVIDES A**
25 **RECORD OF THE TRANSFER OF THE VESSEL TO ANOTHER PERSON. FOR THE**
26 **PURPOSES OF THIS SUBSECTION, THE RECORD OF TRANSFER MUST BE EITHER**
27 **A PHOTOCOPY OF THE REASSIGNED TITLE OR REASSIGNED REGISTRATION OR A**

1 FORM OR DOCUMENT THAT INCLUDES THE TRANSFEREE'S NAME, ADDRESS,
2 DRIVER LICENSE NUMBER, AND SIGNATURE, THE DATE OF TRANSFER OF THE
3 VESSEL, AND, IF APPLICABLE, THE SALE PRICE. A PERSON WHO VIOLATES
4 THIS SUBSECTION AND WHO FAILS TO REDEEM THE VESSEL BEFORE
5 DISPOSITION OF THE VESSEL UNDER SECTION 80130K IS RESPONSIBLE FOR A
6 CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A CIVIL FINE OF
7 \$50.00.

8 (2) AS USED IN THIS SECTION THROUGH SECTION 80130P, "ABANDONED
9 VESSEL" MEANS ANY OF THE FOLLOWING:

10 (A) A VESSEL THAT IS ON PRIVATE PROPERTY WITHOUT THE CONSENT
11 OF THE PROPERTY OWNER.

12 (B) EXCEPT AS PROVIDED IN SUBDIVISION (C), A VESSEL THAT HAS
13 REMAINED ON PUBLIC PROPERTY FOR A PERIOD OF 48 HOURS OR MORE
14 WITHOUT THE PERMISSION OF THE GOVERNMENTAL UNIT WITH CUSTODY OF THE
15 PROPERTY.

16 (C) A VESSEL THAT IS PARKED ON A STATE TRUNK LINE HIGHWAY AS
17 DESCRIBED IN SECTION 1 OF 1951 PA 51, MCL 247.651, AND IS NOT UNDER
18 THE IMMEDIATE CUSTODY OF THE OWNER OR OWNER'S AGENT.

19 (3) IF A VESSEL QUALIFIES AS ABANDONED UNDER SUBSECTION (2) (B)
20 OR (C), A POLICE AGENCY HAVING JURISDICTION OVER THE VESSEL OR THE
21 AGENCY'S DESIGNEE SHALL DETERMINE WHETHER THE VESSEL HAS BEEN
22 REPORTED STOLEN AND, IF THE VESSEL HAS NOT BEEN REPORTED STOLEN,
23 MAY HAVE A TOWING AGENCY TAKE THE VESSEL INTO CUSTODY.

24 (4) A POLICE AGENCY THAT HAS A VESSEL TAKEN INTO CUSTODY UNDER
25 SUBSECTION (3) OR THAT RECEIVES NOTICE OF A VESSEL TAKEN INTO
26 CUSTODY UNDER SUBSECTION (10) SHALL DO ALL OF THE FOLLOWING:

27 (A) RECHECK TO DETERMINE IF THE VESSEL TAKEN INTO CUSTODY

1 UNDER SUBSECTION (3) OR CHECK IF THE VESSEL TAKEN INTO CUSTODY
2 UNDER SUBSECTION (10) HAS BEEN REPORTED STOLEN.

3 (B) IF THE VESSEL HAS NOT BEEN REPORTED STOLEN, WITHIN 24
4 HOURS AFTER THE VESSEL IS TAKEN INTO CUSTODY, ENTER THE VESSEL IN
5 THE LAW ENFORCEMENT INFORMATION NETWORK AS AN ABANDONED VESSEL AND
6 NOTIFY THE SECRETARY OF STATE THROUGH THE LAW ENFORCEMENT
7 INFORMATION NETWORK THAT THE VESSEL HAS BEEN TAKEN INTO CUSTODY AS
8 ABANDONED. THE NOTIFICATION SHALL CONTAIN ALL OF THE FOLLOWING
9 INFORMATION:

10 (i) THE YEAR, MAKE, AND VESSEL IDENTIFICATION NUMBER OF THE
11 VESSEL, IF AVAILABLE.

12 (ii) THE ADDRESS OR APPROXIMATE LOCATION FROM WHICH THE VESSEL
13 WAS TAKEN INTO CUSTODY.

14 (iii) THE DATE ON WHICH THE VESSEL WAS TAKEN INTO CUSTODY.

15 (iv) THE NAME AND ADDRESS OF THE POLICE AGENCY.

16 (v) THE NAME AND BUSINESS ADDRESS OF THE CUSTODIAN OF THE
17 VESSEL.

18 (vi) THE NAME OF THE COURT THAT HAS JURISDICTION OVER THE CASE.

19 (5) WITHIN 7 DAYS AFTER RECEIVING NOTICE UNDER SUBSECTION
20 (4) (B) THAT A VESSEL HAS BEEN TAKEN INTO CUSTODY AS ABANDONED, THE
21 SECRETARY OF STATE SHALL DO BOTH OF THE FOLLOWING:

22 (A) SEND TO THE LAST TITLED OWNER AND SECURED PARTY, AS SHOWN
23 BY THE RECORDS OF THE SECRETARY OF STATE, OR, IF THERE IS NO TITLED
24 OWNER, TO THE LAST REGISTERED OWNER, BY FIRST-CLASS MAIL OR
25 PERSONAL SERVICE, NOTICE THAT THE VESSEL IS CONSIDERED ABANDONED.
26 EACH NOTICE FORM SHALL CONTAIN ALL OF THE FOLLOWING INFORMATION:

27 (i) THE YEAR, MAKE, AND VESSEL IDENTIFICATION NUMBER OF THE

1 VESSEL, IF AVAILABLE.

2 (ii) THE ADDRESS OR APPROXIMATE LOCATION FROM WHICH THE VESSEL
3 WAS TAKEN INTO CUSTODY.

4 (iii) THE DATE ON WHICH THE VESSEL WAS TAKEN INTO CUSTODY.

5 (iv) THE NAME AND ADDRESS OF THE POLICE AGENCY THAT HAD THE
6 VESSEL TAKEN INTO CUSTODY UNDER SUBSECTION (3) OR RECEIVED NOTICE
7 OF A VESSEL TAKEN INTO CUSTODY UNDER SUBSECTION (10).

8 (v) THE NAME AND BUSINESS ADDRESS OF THE CUSTODIAN OF THE
9 VESSEL.

10 (vi) THE PROCEDURE TO REDEEM THE VESSEL.

11 (vii) THE PROCEDURE TO CONTEST THE FACT THAT THE VESSEL IS
12 CONSIDERED ABANDONED OR THE REASONABLENESS OF THE TOWING FEES AND
13 DAILY STORAGE FEES.

14 (viii) A FORM PETITION THAT THE OWNER MAY FILE IN PERSON OR BY
15 MAIL WITH THE COURT HAVING JURISDICTION THAT REQUESTS A HEARING ON
16 THE VALIDITY OF THE GROUNDS FOR TAKING CUSTODY OF THE VESSEL.

17 (ix) A WARNING THAT IF THE VESSEL IS NOT REDEEMED OR A HEARING
18 REQUESTED WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE, THE VESSEL
19 MAY BE SOLD AND ALL RIGHTS OF THE OWNER AND THE SECURED PARTY TO
20 THE VESSEL OR TO THE PROCEEDS OF THE SALE TERMINATED.

21 (B) ENTER THE INFORMATION DESCRIBED IN SUBDIVISION (A) ON A
22 WEBSITE MAINTAINED BY THE SECRETARY OF STATE FOR PUBLIC USE IN
23 LOCATING VESSELS THAT ARE TAKEN INTO CUSTODY UNDER THIS SECTION AS
24 ABANDONED. THE SECRETARY OF STATE SHALL MAINTAIN THE DATA ON THE
25 WEBSITE FOR 1 YEAR OR UNTIL THE VESSEL IS DISPOSED OF UNDER THIS
26 PART, WHICHEVER OCCURS FIRST.

27 (6) TO CONTEST WHETHER THE VESSEL IS ABANDONED OR, UNLESS THE

1 TOWING FEES AND DAILY STORAGE FEES ARE ESTABLISHED BY CONTRACT WITH
2 THE LOCAL GOVERNMENTAL UNIT OR POLICE AGENCY AND COMPLY WITH
3 SECTION 80130M, THE REASONABLENESS OF THE TOWING FEES AND DAILY
4 STORAGE FEES, THE OWNER SHALL REQUEST A HEARING. A REQUEST FOR A
5 HEARING SHALL BE MADE BY FILING A PETITION WITH THE COURT SPECIFIED
6 IN THE NOTICE UNDER SUBSECTION (5) WITHIN 20 DAYS AFTER THE DATE OF
7 THE NOTICE UNDER SUBSECTION (5). IF THE OWNER REQUESTS A HEARING,
8 THE MATTER SHALL BE RESOLVED AFTER A HEARING CONDUCTED UNDER
9 SECTION 80130J. AN OWNER WHO REQUESTS A HEARING MAY REDEEM THE
10 VESSEL BY POSTING A TOWING AND STORAGE BOND WITH OR PAYING A FEE TO
11 THE COURT. THE BOND OR FEE SHALL BE EQUAL TO \$40.00 PLUS THE
12 ACCRUED TOWING AND STORAGE FEES.

13 (7) IF THE OWNER DOES NOT REQUEST A HEARING UNDER SUBSECTION
14 (6), HE OR SHE MAY REDEEM THE VESSEL BY PAYING A FEE OF \$40.00 AND
15 THE ACCRUED TOWING AND STORAGE FEES TO THE CUSTODIAN OF THE VESSEL.
16 THE CUSTODIAN OF THE VESSEL SHALL FORWARD \$25.00 OF THE FEE TO THE
17 SECRETARY OF STATE WITHIN 30 DAYS AFTER RECEIPT, IN A MANNER
18 PRESCRIBED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL
19 DEPOSIT THE \$25.00 INTO THE ABANDONED VESSEL, ORV, AND SNOWMOBILE
20 FUND CREATED IN SECTION 80130/.

21 (8) IF THE OWNER DOES NOT REDEEM THE VESSEL OR REQUEST A
22 HEARING WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE UNDER
23 SUBSECTION (5), THE SECURED PARTY MAY REDEEM THE VESSEL BY PAYING A
24 \$40.00 FEE PLUS THE ACCRUED CHARGES TO THE CUSTODIAN OF THE VESSEL.
25 THE CUSTODIAN OF THE VESSEL SHALL FORWARD \$25.00 OF THE FEE TO THE
26 SECRETARY OF STATE WITHIN 30 DAYS AFTER RECEIPT, IN A MANNER
27 PRESCRIBED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL

1 DEPOSIT THE FEE INTO THE ABANDONED VESSEL, ORV, AND SNOWMOBILE FUND
2 CREATED IN SECTION 80130I.

3 (9) IF A VESSEL IS ON PRIVATE PROPERTY WITHOUT THE CONSENT OF
4 THE PROPERTY OWNER, THE OWNER OF THE PRIVATE PROPERTY MAY HAVE THE
5 VESSEL TAKEN INTO CUSTODY AS AN ABANDONED VESSEL BY CONTACTING A
6 LOCAL TOWING AGENCY. A LOCAL TOWING AGENCY IS A TOWING AGENCY WHOSE
7 STORAGE LOT IS LOCATED WITHIN 15 MILES FROM THE BORDER OF THE LOCAL
8 UNIT OF GOVERNMENT HAVING JURISDICTION OVER THE ABANDONED VESSEL.

9 (10) BEFORE REMOVING THE VESSEL FROM PRIVATE PROPERTY, THE
10 TOWING AGENCY CONTACTED UNDER SUBSECTION (9) SHALL PROVIDE
11 REASONABLE NOTICE BY TELEPHONE, OR OTHERWISE, TO A POLICE AGENCY
12 HAVING JURISDICTION OVER THE VESSEL THAT THE VESSEL IS BEING
13 REMOVED. THE POLICE AGENCY SHALL DETERMINE IF THE VESSEL HAS BEEN
14 REPORTED STOLEN, AND IF THE VESSEL HAS NOT BEEN REPORTED STOLEN,
15 COMPLY WITH SUBSECTION (4) (B). VERIFICATION BY THE POLICE AGENCY OF
16 COMPLIANCE WITH THIS SECTION IS NOT NECESSARY AND IS NOT A
17 PREDICATE TO ENTERING THE VESSEL IN THE LAW ENFORCEMENT INFORMATION
18 NETWORK. SUBSECTIONS (5) TO (8) APPLY TO A VESSEL REMOVED FROM
19 PRIVATE PROPERTY.

20 (11) NOT LESS THAN 20 DAYS AFTER A DETERMINATION THAT THE
21 VESSEL IS ABANDONED IN A HEARING UNDER SUBSECTION (6) OR, IF A
22 HEARING IS NOT REQUESTED, NOT LESS THAN 20 DAYS AFTER THE DATE OF
23 THE NOTICE, THE FOLLOWING SHALL OFFER THE VESSEL FOR SALE AT A
24 PUBLIC SALE UNDER SECTION 80130K:

25 (A) THE POLICE AGENCY, IF THE ABANDONED VESSEL IS FOUND ON
26 PUBLIC PROPERTY.

27 (B) THE CUSTODIAN OF THE VESSEL, IF THE VESSEL IS FOUND ON

1 PRIVATE PROPERTY.

2 (12) IF THE OWNERSHIP OF A VESSEL THAT IS CONSIDERED ABANDONED
3 UNDER THIS SECTION CANNOT BE DETERMINED EITHER BECAUSE OF THE
4 CONDITION OF THE VESSEL IDENTIFICATION NUMBERS OR BECAUSE A CHECK
5 WITH THE RECORDS OF THE SECRETARY OF STATE AS DESCRIBED IN SECTION
6 80310 DOES NOT REVEAL OWNERSHIP, THE POLICE AGENCY MAY SELL THE
7 VESSEL AT PUBLIC SALE AS PROVIDED IN SECTION 80130K NOT LESS THAN
8 30 DAYS AFTER PUBLIC NOTICE OF THE SALE HAS BEEN PUBLISHED.

9 SEC. 80130G. (1) AS USED IN THIS SECTION:

10 (A) "REGISTERED ABANDONED SCRAP VESSEL" MEANS A VESSEL THAT
11 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

12 (i) IS 7 OR MORE YEARS OLD.

13 (ii) IS APPARENTLY INOPERABLE OR IS DAMAGED, TO THE EXTENT THAT
14 THE COST OF REPAIRING THE VESSEL TO MAKE IT OPERATIONAL AND SAFE
15 WOULD EXCEED THE FAIR MARKET VALUE OF THAT VESSEL.

16 (iii) IS CURRENTLY REGISTERED OR TITLED IN THIS STATE OR
17 DISPLAYS A CURRENT YEAR REGISTRATION OR CURRENT YEAR REGISTRATION
18 DECAL FROM ANOTHER STATE.

19 (B) "UNREGISTERED ABANDONED SCRAP VESSEL" MEANS A VESSEL THAT
20 MEETS ALL OF THE FOLLOWING REQUIREMENTS:

21 (i) IS APPARENTLY INOPERABLE OR IS DAMAGED, TO THE EXTENT THAT
22 THE COST OF REPAIRING THE VESSEL TO MAKE IT OPERATIONAL AND SAFE
23 WOULD EXCEED THE FAIR MARKET VALUE OF THAT VESSEL.

24 (ii) IS NOT CURRENTLY REGISTERED OR TITLED IN THIS STATE AND
25 DOES NOT DISPLAY A CURRENT YEAR REGISTRATION OR CURRENT YEAR
26 REGISTRATION DECAL FROM ANOTHER STATE.

27 (2) A POLICE AGENCY OR THE AGENCY'S DESIGNEE OR, IF THE VESSEL

1 IS ON PRIVATE PROPERTY, THE PROPERTY OWNER MAY HAVE AN UNREGISTERED
2 ABANDONED SCRAP VESSEL TAKEN INTO CUSTODY, IN WHICH CASE THE POLICE
3 AGENCY SHALL DETERMINE IF THE VESSEL HAS BEEN REPORTED STOLEN. IF
4 THE VESSEL HAS NOT BEEN REPORTED STOLEN, THE POLICE AGENCY SHALL DO
5 ALL OF THE FOLLOWING:

6 (A) TAKE 2 PHOTOGRAPHS OF THE VESSEL.

7 (B) MAKE A REPORT TO SUBSTANTIATE THE VESSEL AS AN
8 UNREGISTERED ABANDONED SCRAP VESSEL. THE REPORT SHALL CONTAIN THE
9 FOLLOWING INFORMATION:

10 (i) THE YEAR, MAKE, AND VESSEL IDENTIFICATION NUMBER, IF
11 AVAILABLE, AND A BRIEF DESCRIPTION OF THE VESSEL.

12 (ii) THE DATE OF ABANDONMENT.

13 (iii) THE LOCATION OF ABANDONMENT.

14 (iv) A DETAILED LISTING OF THE DAMAGE OR THE MISSING EQUIPMENT.

15 (v) THE REPORTING OFFICER'S NAME AND TITLE.

16 (vi) THE LOCATION WHERE THE VESSEL IS BEING HELD.

17 (C) WITHIN 24 HOURS AFTER TAKING THE VESSEL INTO CUSTODY,
18 ENTER THE VESSEL IN THE LAW ENFORCEMENT INFORMATION NETWORK AS AN
19 ABANDONED VESSEL.

20 (3) THE SECRETARY OF STATE SHALL FURNISH THE POLICE AGENCY
21 WITH A RELEASE FORM THAT INCLUDES A CERTIFICATION THAT THE POLICE
22 AGENCY HAS COMPLIED WITH THE REQUIREMENTS OF SUBSECTION (2) (A) AND
23 (B) .

24 (4) IF THE POLICE AGENCY DETERMINED UNDER SUBSECTION (2) THAT
25 A VESSEL WAS NOT REPORTED STOLEN, THEN WITHIN 24 HOURS, EXCLUDING
26 SATURDAY, SUNDAY, AND LEGAL HOLIDAYS, AFTER TAKING THE VESSEL INTO
27 CUSTODY, THE POLICE AGENCY OR THE AGENCY'S DESIGNEE SHALL COMPLETE

1 A RELEASE FORM AND CERTIFICATION AND RELEASE THE VESSEL TO THE
2 TOWING SERVICE.

3 (5) THE TOWING SERVICE SHALL COMPLETE THE CERTIFICATE OF
4 SCRAPPING ON THE BACK OF THE RELEASE FORM AND TRANSFER THE FORM TO
5 AND DISPOSE OF THE VESSEL WITH A SCRAP METAL PROCESSOR OR LANDFILL
6 OPERATOR. THE SCRAP METAL PROCESSOR OR LANDFILL OPERATOR SHALL
7 TRANSFER THE FORM TO THE SECRETARY OF STATE.

8 (6) THE SECRETARY OF STATE SHALL RETAIN THE RECORDS RELATING
9 TO AN ABANDONED SCRAP VESSEL FOR NOT LESS THAN 2 YEARS. THE POLICE
10 AGENCY OR THE AGENCY'S DESIGNEE SHALL RETAIN THE 2 PHOTOGRAPHS
11 TAKEN UNDER SUBSECTION (2) (A) FOR NOT LESS THAN 2 YEARS. AFTER THE
12 CERTIFICATE OF SCRAPPING HAS BEEN ISSUED, THE SECRETARY OF STATE
13 SHALL NOT REISSUE A CERTIFICATE OF TITLE FOR THE VESSEL.

14 (7) A POLICE AGENCY OR THE AGENCY'S DESIGNEE OR, IF THE VESSEL
15 IS ON PRIVATE PROPERTY, THE PROPERTY OWNER MAY HAVE A REGISTERED
16 ABANDONED SCRAP VESSEL TAKEN INTO CUSTODY, IN WHICH CASE THE POLICE
17 AGENCY SHALL DETERMINE IF THE VESSEL HAS BEEN REPORTED STOLEN. IF
18 THE VESSEL HAS NOT BEEN REPORTED STOLEN, THE POLICE AGENCY SHALL DO
19 ALL OF THE FOLLOWING:

20 (A) TAKE 2 PHOTOGRAPHS OF THE VESSEL.

21 (B) MAKE A REPORT TO SUBSTANTIATE THE VESSEL AS A REGISTERED
22 ABANDONED SCRAP VESSEL. THE REPORT SHALL CONTAIN THE FOLLOWING
23 INFORMATION:

24 (i) THE YEAR, MAKE, AND VESSEL IDENTIFICATION NUMBER, IF
25 AVAILABLE.

26 (ii) THE DATE OF ABANDONMENT.

27 (iii) THE LOCATION OF ABANDONMENT.

1 (iv) A DETAILED LISTING OF THE DAMAGE OR THE MISSING EQUIPMENT.

2 (v) THE REPORTING OFFICER'S NAME AND TITLE.

3 (vi) THE LOCATION WHERE THE VESSEL IS BEING HELD.

4 (C) WITHIN 24 HOURS AFTER TAKING THE VESSEL INTO CUSTODY,
5 CAUSE THE VESSEL TO BE ENTERED IN THE LAW ENFORCEMENT INFORMATION
6 NETWORK AS ABANDONED.

7 (8) IF THE POLICE AGENCY DETERMINED UNDER SUBSECTION (7) THAT
8 A VESSEL WAS NOT REPORTED STOLEN, WITHIN 7 DAYS AFTER THE VESSEL IS
9 TAKEN INTO CUSTODY, THE SECRETARY OF STATE SHALL SEND TO THE LAST
10 TITLED OR REGISTERED OWNER AND SECURED PARTY, AS SHOWN BY THE
11 RECORDS OF THE SECRETARY OF STATE, BY FIRST-CLASS MAIL OR PERSONAL
12 SERVICE, NOTICE THAT THE VESSEL IS CONSIDERED ABANDONED. THE FORM
13 FOR THE NOTICE SHALL BE FURNISHED BY THE SECRETARY OF STATE. EACH
14 NOTICE FORM SHALL CONTAIN THE FOLLOWING INFORMATION:

15 (A) THE YEAR, MAKE, AND VESSEL IDENTIFICATION NUMBER OF THE
16 VESSEL, IF AVAILABLE.

17 (B) THE ADDRESS OR APPROXIMATE LOCATION FROM WHICH THE VESSEL
18 WAS TAKEN INTO CUSTODY.

19 (C) THE DATE ON WHICH THE VESSEL WAS TAKEN INTO CUSTODY.

20 (D) THE NAME AND ADDRESS OF THE POLICE AGENCY THAT HAD THE
21 VESSEL TAKEN INTO CUSTODY, IF APPLICABLE.

22 (E) THE NAME AND BUSINESS ADDRESS OF THE CUSTODIAN OF THE
23 VESSEL.

24 (F) THE PROCEDURE TO REDEEM THE VESSEL.

25 (G) THE NAME OF THE COURT THAT HAS JURISDICTION OF THE CASE.

26 (H) THE PROCEDURE TO CONTEST WHETHER THE VESSEL IS ABANDONED
27 OR THE REASONABLENESS OF THE TOWING FEES AND DAILY STORAGE FEES.

1 (I) A FORM THAT THE OWNER MAY FILE IN PERSON OR BY MAIL WITH
2 THE SPECIFIED COURT THAT REQUESTS A HEARING ON THE CUSTODY OF THE
3 VESSEL.

4 (J) A WARNING THAT IF THE VESSEL IS NOT REDEEMED OR A HEARING
5 REQUESTED WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE, THE VESSEL
6 MAY BE SOLD AND ALL RIGHTS OF THE OWNER AND THE SECURED PARTY TO
7 THE VESSEL OR THE PROCEEDS OF THE SALE TERMINATED.

8 (9) TO CONTEST DESIGNATION OF THE REGISTERED VESSEL AS AN
9 ABANDONED SCRAP VESSEL OR, UNLESS THE TOWING FEES AND DAILY STORAGE
10 FEES ARE ESTABLISHED BY CONTRACT WITH THE LOCAL GOVERNMENTAL UNIT
11 OR POLICE AGENCY AND COMPLY WITH SECTION 80130M, THE REASONABLENESS
12 OF THE TOWING FEES AND DAILY STORAGE FEES THE REGISTERED OWNER
13 SHALL REQUEST A HEARING. A REQUEST FOR A HEARING SHALL BE MADE BY
14 FILING A PETITION WITH THE COURT SPECIFIED IN THE NOTICE UNDER
15 SUBSECTION (8) WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE. IF THE
16 OWNER REQUESTS A HEARING, THE MATTER SHALL BE RESOLVED AFTER A
17 HEARING CONDUCTED UNDER SECTION 80130J. AN OWNER WHO REQUESTS A
18 HEARING MAY REDEEM THE VESSEL BY POSTING A TOWING AND STORAGE BOND
19 WITH OR PAYING A FEE TO THE COURT. THE BOND OR FEE SHALL EQUAL
20 \$40.00 PLUS THE ACCRUED TOWING AND STORAGE FEES.

21 (10) IF THE OWNER DOES NOT REQUEST A HEARING UNDER SUBSECTION
22 (9), HE OR SHE MAY REDEEM THE VESSEL BY PAYING A FEE OF \$40.00 PLUS
23 THE ACCRUED CHARGES TO THE CUSTODIAN OF THE VESSEL. WITHIN 30 DAYS
24 AFTER RECEIPT OF A FEE UNDER THIS SUBSECTION, THE CUSTODIAN SHALL
25 FORWARD \$25.00 OF THE FEE TO THE SECRETARY OF STATE IN A MANNER
26 PRESCRIBED BY THE SECRETARY OF STATE. THE SECRETARY OF STATE SHALL
27 DEPOSIT THE FEE INTO THE ABANDONED VESSEL, ORV, AND SNOWMOBILE FUND

1 CREATED IN SECTION 80130I.

2 (11) IF THE OWNER DOES NOT REDEEM THE VESSEL OR REQUEST A
3 HEARING WITHIN 20 DAYS AFTER THE DATE OF THE NOTICE UNDER
4 SUBSECTION (8), THE SECURED PARTY MAY REDEEM THE VESSEL BY PAYING
5 AN ABANDONED VESSEL FEE OF \$40.00 PLUS THE ACCRUED CHARGES TO THE
6 CUSTODIAN OF THE VESSEL. WITHIN 30 DAYS AFTER THE RECEIPT OF THE
7 FEE UNDER THIS SUBSECTION, THE CUSTODIAN SHALL FORWARD \$25.00 OF
8 THE FEE TO THE SECRETARY OF STATE IN A MANNER PRESCRIBED BY THE
9 SECRETARY OF STATE. THE SECRETARY OF STATE SHALL DEPOSIT THE FEE
10 INTO THE ABANDONED VESSEL, ORV, AND SNOWMOBILE FUND CREATED IN
11 SECTION 80130I.

12 (12) NOT LESS THAN 20 DAYS AFTER A DETERMINATION THAT THE
13 VESSEL IS ABANDONED IN A HEARING DESCRIBED IN SUBSECTION (9) OR, IF
14 A HEARING IS NOT REQUESTED, NOT LESS THAN 20 DAYS AFTER THE DATE OF
15 THE NOTICE UNDER SUBSECTION (8), THE POLICE AGENCY OR THE AGENCY'S
16 DESIGNEE, SCRAP METAL PROCESSOR OR LANDFILL OPERATOR, AND SECRETARY
17 OF STATE SHALL FOLLOW THE PROCEDURES ESTABLISHED IN SUBSECTIONS (3)
18 TO (6).

19 SEC. 80130H. (1) AFTER DETERMINING UNDER SUBSECTION (3) THAT A
20 VESSEL HAS NOT BEEN REPORTED STOLEN, A POLICE AGENCY OR A
21 GOVERNMENTAL AGENCY DESIGNATED BY THE POLICE AGENCY MAY PROVIDE FOR
22 THE IMMEDIATE REMOVAL OF A VESSEL FROM PUBLIC OR PRIVATE PROPERTY
23 TO A PLACE OF SAFEKEEPING AT THE EXPENSE OF THE LAST TITLED OWNER
24 OR, IF THERE IS NO TITLED OWNER, THE LAST REGISTERED OWNER OF THE
25 VESSEL IN ANY OF THE FOLLOWING CIRCUMSTANCES:

26 (A) THE VESSEL IS IN SUCH A CONDITION THAT THE OPERATION OF
27 THE VESSEL WOULD CONSTITUTE AN IMMEDIATE HAZARD TO THE PUBLIC.

1 (B) THE VESSEL IS PARKED OR STANDING UPON A HIGHWAY, ROAD, OR
2 STREET IN A MANNER THAT CREATES AN IMMEDIATE PUBLIC HAZARD OR AN
3 OBSTRUCTION OF TRAFFIC.

4 (C) THE VESSEL IS PARKED IN A POSTED TOW-AWAY ZONE.

5 (D) THERE IS REASONABLE CAUSE TO BELIEVE THAT THE VESSEL OR
6 ANY PART OF THE VESSEL IS STOLEN.

7 (E) THE VESSEL MUST BE SEIZED TO PRESERVE EVIDENCE OF A CRIME
8 OR BECAUSE THERE IS REASONABLE CAUSE TO BELIEVE THAT THE VESSEL WAS
9 USED IN THE COMMISSION OF A CRIME.

10 (F) REMOVAL IS NECESSARY IN THE INTEREST OF PUBLIC SAFETY
11 BECAUSE OF FIRE, FLOOD, STORM, SNOW, NATURAL OR MAN-MADE DISASTER,
12 OR OTHER EMERGENCY.

13 (G) THE VESSEL IS INTERFERING WITH THE OWNER'S OR OWNER'S
14 AGENT'S USE OF PRIVATE PROPERTY OR IS PARKED IN A MANNER THAT
15 IMPEDES THE MOVEMENT OF ANOTHER VESSEL OR VEHICLE.

16 (H) THE VESSEL IS STOPPED, STANDING, OR PARKED IN A SPACE
17 DESIGNATED AS PARKING FOR PERSONS WITH DISABILITIES AND IS NOT
18 PERMITTED BY LAW TO BE STOPPED, STANDING, OR PARKED IN A SPACE
19 DESIGNATED AS PARKING FOR PERSONS WITH DISABILITIES.

20 (I) THE VESSEL IS LOCATED IN A CLEARLY IDENTIFIED ACCESS AISLE
21 OR ACCESS LANE IMMEDIATELY ADJACENT TO A SPACE DESIGNATED AS
22 PARKING FOR PERSONS WITH DISABILITIES.

23 (J) THE VESSEL IS INTERFERING WITH THE USE OF A RAMP OR A
24 CURB-CUT BY PERSONS WITH DISABILITIES.

25 (K) THE VESSEL HAS BEEN INVOLVED IN A CRASH AND CANNOT BE
26 SAFELY OPERATED TO REMOVE IT FROM THE SCENE OF THE CRASH.

27 (L) THE VESSEL IS SUBMERGED IN, PARTIALLY SUBMERGED IN, OR

1 FLOATING UNANCHORED OR UNTETHERED UPON A PUBLIC WATERWAY.

2 (2) UNLESS THE VESSEL IS ORDERED TO BE TOWED BY A POLICE
3 AGENCY OR A GOVERNMENTAL AGENCY DESIGNATED BY A POLICE AGENCY UNDER
4 SUBSECTION (1) (A), (D), (E), OR (K), IF THE OWNER OR OTHER PERSON
5 WHO IS LEGALLY ENTITLED TO POSSESS A VESSEL TO BE TOWED OR REMOVED
6 ARRIVES AT THE VESSEL'S LOCATION BEFORE THE ACTUAL TOWING OR
7 REMOVAL OF THE VESSEL, THE VESSEL SHALL BE DISCONNECTED FROM THE
8 TOW TRUCK OR OTHER TOWING VEHICLE, AND THE OWNER OR OTHER PERSON
9 WHO IS LEGALLY ENTITLED TO POSSESS THE VESSEL MAY TAKE POSSESSION
10 OF THE VESSEL AND REMOVE IT WITHOUT INTERFERENCE UPON THE PAYMENT
11 OF THE REASONABLE SERVICE FEE TO THE TOWING AGENCY, FOR WHICH THE
12 TOWING AGENCY SHALL PROVIDE A RECEIPT.

13 (3) BEFORE AUTHORIZING THE REMOVAL OF A VESSEL UNDER
14 SUBSECTION (1), A POLICE AGENCY SHALL CHECK TO DETERMINE IF THE
15 VESSEL HAS BEEN REPORTED STOLEN. EXCEPT FOR VESSELS REMOVED UNDER
16 SUBSECTION (1) (D), (E), OR (K), THE POLICE AGENCY SHALL ENTER THE
17 VESSEL IN THE LAW ENFORCEMENT INFORMATION NETWORK AS ABANDONED NOT
18 LESS THAN 7 DAYS AFTER AUTHORIZING THE REMOVAL AND THE PROCEDURES
19 SET FORTH IN SECTION 80130F APPLY.

20 (4) THE TOWING AGENCY OR CUSTODIAN SHALL NOT RELEASE TO THE
21 VESSEL OWNER A VESSEL REMOVED UNDER SUBSECTION (1) (D), (E), OR (K)
22 UNLESS THE RELEASE HAS BEEN AUTHORIZED BY THE POLICE AGENCY THAT
23 AUTHORIZED THE REMOVAL.

24 (5) NOT LESS THAN 20 DAYS BUT NOT MORE THAN 30 DAYS AFTER A
25 VESSEL HAS BEEN RELEASED BY THE POLICE AGENCY UNDER SUBSECTION (4),
26 THE TOWING AGENCY OR CUSTODIAN SHALL NOTIFY THE POLICE AGENCY TO
27 ENTER THE VESSEL IN THE LAW ENFORCEMENT INFORMATION NETWORK AS

1 ABANDONED AND THE POLICE AGENCY SHALL FOLLOW THE PROCEDURES SET
2 FORTH IN SECTION 80130F IF THE IMPOUNDED VESSEL HAS NOT BEEN
3 REDEEMED.

4 SEC. 80130I. (1) THE FOLLOWING COURTS HAVE JURISDICTION TO
5 DETERMINE IF A POLICE AGENCY, TOWING AGENCY OR CUSTODIAN, OR
6 PRIVATE PROPERTY OWNER HAS ACTED PROPERLY IN REPORTING OR
7 PROCESSING A VESSEL UNDER SECTION 80130F, 80130G(7) TO (12), OR
8 80130H:

9 (A) THE DISTRICT COURT.

10 (B) A MUNICIPAL COURT.

11 (2) THE COURT SPECIFIED IN THE NOTICE PRESCRIBED IN SECTION
12 80130F(4) (B) OR 80130G(8) SHALL BE THE COURT THAT HAS TERRITORIAL
13 JURISDICTION AT THE LOCATION FROM WHICH THE VESSEL WAS REMOVED OR
14 WHERE IT WAS ABANDONED. VENUE IN THE DISTRICT COURT IS GOVERNED BY
15 SECTION 8312 OF THE REVISED JUDICATURE ACT OF 1961, 1961 PA 236,
16 MCL 600.8312.

17 (3) IF THE OWNER FAILS TO PAY THE ACCRUED TOWING AND STORAGE
18 FEES, THE TOWING AND STORAGE BOND POSTED WITH THE COURT TO SECURE
19 REDEMPTION OF THE VESSEL UNDER SECTION 80130F OR 80130G SHALL BE
20 USED TO PAY THE TOWING AND STORAGE FEES.

21 (4) THE REMEDIES UNDER SECTIONS 80130F TO 80130P ARE THE
22 EXCLUSIVE REMEDIES FOR THE DISPOSITION OF ABANDONED VESSELS.

23 SEC. 80130J. (1) UPON THE FILING OF A PETITION PRESCRIBED IN
24 SECTION 80130F OR 80130G, SIGNED BY THE OWNER OF THE VESSEL THAT
25 HAS BEEN TAKEN INTO CUSTODY, THE COURT SHALL DO BOTH OF THE
26 FOLLOWING:

27 (A) SCHEDULE A HEARING WITHIN 30 DAYS FOR THE PURPOSE OF

1 DETERMINING WHETHER THE POLICE AGENCY, TOWING AGENCY OR CUSTODIAN,
2 OR PRIVATE PROPERTY OWNER ACTED IN ACCORDANCE WITH THIS PART.

3 (B) NOTIFY THE OWNER, TOWING AGENCY OR CUSTODIAN, POLICE
4 AGENCY, AND, IF THE VESSEL WAS REMOVED FROM PRIVATE PROPERTY, THE
5 PRIVATE PROPERTY OWNER OF THE TIME AND PLACE OF THE HEARING.

6 (2) AT THE HEARING SPECIFIED IN SUBSECTION (1), THE POLICE
7 AGENCY, TOWING AGENCY OR CUSTODIAN, AND, IF THE VESSEL WAS REMOVED
8 FROM PRIVATE PROPERTY, THE PRIVATE PROPERTY OWNER HAVE THE BURDEN
9 OF SHOWING BY A PREPONDERANCE OF THE EVIDENCE THAT THEY HAVE
10 COMPLIED WITH THE REQUIREMENTS OF THIS ACT IN REPORTING OR
11 PROCESSING THE ABANDONED VESSEL OR VESSEL REMOVED UNDER SECTION
12 80130H.

13 (3) AFTER THE HEARING, THE COURT SHALL MAKE A DECISION THAT
14 INCLUDES 1 OR MORE OF THE FOLLOWING:

15 (A) A FINDING THAT THE POLICE AGENCY COMPLIED WITH THE
16 PROCEDURES ESTABLISHED FOR THE PROCESSING OF AN ABANDONED VESSEL OR
17 A VESSEL REMOVED UNDER SECTION 80130F, 80130G, OR 80130H, AND AN
18 ORDER PROVIDING A PERIOD OF 20 DAYS AFTER THE DECISION FOR THE
19 OWNER TO REDEEM THE VESSEL. IF THE OWNER DOES NOT REDEEM THE VESSEL
20 WITHIN 20 DAYS, THE POLICE AGENCY SHALL DISPOSE OF THE VESSEL UNDER
21 SECTION 80130G OR 80130K. WITHIN 30 DAYS AFTER THE COURT'S
22 DECISION, THE COURT SHALL FORWARD \$25.00 OF THE FEE COLLECTED UNDER
23 SECTION 80130G OR 80130K TO THE SECRETARY OF STATE IN A MANNER
24 PRESCRIBED BY THE SECRETARY OF STATE. THE TOWING AND STORAGE FEES
25 AND \$15.00 OF THE FEE COLLECTED UNDER SECTION 80130G OR 80130K
26 SHALL BE FORWARDED TO THE TOWING AGENCY.

27 (B) A FINDING THAT THE POLICE AGENCY DID NOT COMPLY WITH THE

1 PROCEDURES ESTABLISHED FOR THE PROCESSING OF AN ABANDONED VESSEL OR
2 A VESSEL REMOVED UNDER SECTION 80130F, 80130G, OR 80130H AND
3 DIRECTING ALL OF THE FOLLOWING:

4 (i) THAT THE VESSEL IMMEDIATELY BE RELEASED TO THE OWNER.

5 (ii) THAT THE POLICE AGENCY IS RESPONSIBLE FOR THE ACCRUED
6 TOWING AND STORAGE CHARGES.

7 (iii) THAT ANY FEE OR BOND POSTED BY THE OWNER BE RETURNED.

8 (C) A FINDING THAT THE TOWING FEES AND DAILY STORAGE FEES WERE
9 REASONABLE.

10 (D) A FINDING THAT THE TOWING FEES AND DAILY STORAGE FEES WERE
11 UNREASONABLE AND DIRECTING THE TOWING AGENCY OR CUSTODIAN OF THE
12 VESSEL TO PROVIDE THE LAST TITLED OWNER OR, IF THERE IS NO TITLED
13 OWNER, THE LAST REGISTERED OWNER OF THE VESSEL WITH AN APPROPRIATE
14 REDUCTION OR REFUND.

15 (E) A FINDING THAT THE OWNER OF THE REAL PROPERTY COMPLIED
16 WITH SECTION 80130o, IF APPLICABLE.

17 (F) A FINDING THAT THE OWNER OF THE REAL PROPERTY DID NOT
18 COMPLY WITH SECTION 80130o, IF APPLICABLE, AND AN ORDER REQUIRING
19 THE OWNER OF THE REAL PROPERTY TO REIMBURSE THE LAST TITLED OWNER
20 OF THE VESSEL FOR THE ACCRUED TOWING AND STORAGE CHARGES.

21 (G) A FINDING THAT THE TOWING AGENCY DID NOT COMPLY WITH THE
22 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF A
23 VESSEL REMOVED UNDER SECTION 80130F, 80130G, OR 80130H AND AN ORDER
24 DIRECTING ALL OF THE FOLLOWING:

25 (i) THAT THE VESSEL IMMEDIATELY BE RELEASED TO THE OWNER.

26 (ii) THAT THE TOWING AGENCY IS RESPONSIBLE FOR THE ACCRUED
27 TOWING AND STORAGE CHARGES.

1 (iii) THAT ANY FEE OR BOND POSTED BY THE OWNER BE RETURNED.

2 (H) A FINDING THAT THE TOWING AGENCY DID COMPLY WITH THE
3 PROCEDURES ESTABLISHED FOR THE PROPER REMOVAL AND REPORTING OF A
4 VESSEL REMOVED UNDER SECTION 80130F, 80130G, OR 80130H.

5 SEC. 80130K. (1) A PUBLIC SALE FOR A VESSEL, AND ITS CONTENTS,
6 THAT HAS BEEN DETERMINED TO BE ABANDONED UNDER SECTION 80130F OR
7 80197 OR REMOVED UNDER SECTION 80130H SHALL COMPLY WITH ALL OF THE
8 FOLLOWING:

9 (A) BE UNDER THE CONTROL OF THE POLICE AGENCY OR, IF THE
10 VESSEL IS BEING SOLD UNDER SECTION 80130F(11), THE CUSTODIAN OF THE
11 VESSEL. HOWEVER, A POLICE AGENCY MAY DESIGNATE THE CUSTODIAN OF THE
12 VESSEL OR A THIRD PARTY TO CONDUCT THE AUCTION.

13 (B) BE OPEN TO THE PUBLIC AND CONSIST OF OPEN AUCTION BIDDING
14 OR BIDDING BY SEALED BIDS. IF SEALED BIDS ARE RECEIVED, THE POLICE
15 AGENCY OR THE AGENCY'S DESIGNEE OR, IF THE VESSEL IS BEING SOLD
16 UNDER SECTION 80130F(11), THE CUSTODIAN OF THE VESSEL SHALL PROVIDE
17 THE PERSON SUBMITTING A BID WITH A RECEIPT FOR THE BID.

18 (C) EXCEPT AS OTHERWISE PROVIDED IN SECTION 80130F(11) AND
19 (12), BE HELD NOT LESS THAN 5 DAYS AFTER PUBLIC NOTICE OF THE SALE
20 HAS BEEN PUBLISHED. THE PUBLIC NOTICE SHALL BE PUBLISHED AT LEAST
21 ONCE IN A NEWSPAPER HAVING A GENERAL CIRCULATION WITHIN THE COUNTY
22 IN WHICH THE VESSEL WAS ABANDONED OR ON A PUBLICLY ACCESSIBLE
23 WEBSITE MAINTAINED BY THE SECRETARY OF STATE. THE PUBLIC NOTICE
24 SHALL GIVE A DESCRIPTION OF THE VESSEL FOR SALE AND SHALL STATE THE
25 TIME, DATE, AND LOCATION OF THE SALE.

26 (2) THE MONEY RECEIVED FROM THE PUBLIC SALE OF THE VESSEL
27 SHALL BE APPLIED IN THE FOLLOWING ORDER OF PRIORITY:

1 (A) ACCRUED TOWING AND STORAGE CHARGES. IF THE MONEY RECEIVED
2 FROM THE PUBLIC SALE DOES NOT SATISFY THE ACCRUED TOWING AND
3 STORAGE CHARGES, THE TOWING COMPANY MAY COLLECT THE BALANCE OF
4 THOSE UNPAID FEES FROM THE LAST TITLED OWNER OR, IF THERE IS NO
5 TITLED OWNER, THE LAST REGISTERED OWNER, SUBJECT TO SECTION
6 80130M(2) AND (3).

7 (B) EXPENSES INCURRED BY THE POLICE AGENCY OR THE CUSTODIAN OF
8 THE VESSEL, FOR DISPOSITION AS DESCRIBED IN SECTION 80130J(3) (A).

9 (C) PAYMENT OF THE \$40.00 IN FEES UNDER SECTION 80130J(3) (A).

10 (D) SENT TO THE DEPARTMENT OF TREASURY'S UNCLAIMED PROPERTY
11 DIVISION TO BE DISBURSED AS FOLLOWS:

12 (i) TO THE SECURED PARTY, IF ANY, IN THE AMOUNT OF THE DEBT
13 OUTSTANDING ON THE VESSEL.

14 (ii) REMAINDER TO THE OWNER. A REASONABLE ATTEMPT SHALL BE MADE
15 TO MAIL THE REMAINDER TO THE LAST TITLED OWNER OR, IF THERE IS NO
16 TITLED OWNER, THE LAST REGISTERED OWNER. IF DELIVERY OF THE
17 REMAINDER CANNOT BE ACCOMPLISHED, THE REMAINDER SHALL BECOME THE
18 PROPERTY OF THE LOCAL UNIT OF GOVERNMENT WHOSE POLICE AGENCY
19 ENTERED THE VESSEL IN THE LAW ENFORCEMENT INFORMATION NETWORK.

20 (3) IF THERE ARE NO BIDDERS ON THE VESSEL, THE POLICE AGENCY
21 OR THE CUSTODIAN OF THE VESSEL MAY DO 1 OF THE FOLLOWING:

22 (A) TURN THE VESSEL OVER TO THE TOWING FIRM OR THE CUSTODIAN
23 OF THE VESSEL TO SATISFY CHARGES AGAINST THE VESSEL BY COMPLETING
24 THE RELEASE FORM UNDER SECTION 80130G. HOWEVER, IF THE VALUE OF THE
25 VESSEL DOES NOT SATISFY THE TOWING FEES AND ACCRUED DAILY STORAGE
26 FEES, THE CUSTODIAN OF THE VESSEL MAY COLLECT THE BALANCE OF THOSE
27 UNPAID FEES FROM THE LAST TITLED OWNER OR, IF THERE IS NO TITLED

1 OWNER, THE LAST REGISTERED OWNER, SUBJECT TO SECTION 80130M.

2 (B) OBTAIN TITLE TO THE VESSEL FOR THE POLICE AGENCY OR THE
3 UNIT OF GOVERNMENT THE POLICE AGENCY REPRESENTS, BY DOING BOTH OF
4 THE FOLLOWING:

5 (i) PAYING THE TOWING AND STORAGE CHARGES.

6 (ii) APPLYING FOR TITLE TO THE VESSEL.

7 (C) HOLDING ANOTHER PUBLIC SALE UNDER SUBSECTION (1).

8 (4) UPON DISPOSITION OF THE VESSEL, THE POLICE AGENCY OR
9 TOWING AGENCY OR CUSTODIAN SHALL PROVIDE THE SECRETARY OF STATE AND
10 THE POLICE AGENCY, IF THAT POLICE AGENCY DID NOT CONDUCT THE SALE,
11 WITH THE VESSEL'S DISPOSITION AND THE NAME OF THE AGENCY THAT
12 DISPOSED OF IT AND THE POLICE AGENCY SHALL CANCEL THE ENTRY IN THE
13 LAW ENFORCEMENT INFORMATION NETWORK UNDER SECTION 80130F OR 80130H,
14 IF APPLICABLE.

15 (5) IF BY 25 DAYS AFTER THE DATE OF NOTICE REQUIRED UNDER
16 SECTION 80130F THE POLICE AGENCY HAS NOT PROVIDED A COPY OF THE
17 BILL OF SALE BY THE POLICE AGENCY FOR THE ABANDONED VESSEL TO THE
18 TOWING AGENCY OR CUSTODIAN OR POLICE AGENCY'S DESIGNEE, THE TOWING
19 AGENCY OR CUSTODIAN OR POLICE AGENCY DESIGNEE MAY OBTAIN AN
20 ORIGINAL OF THE BILL OF SALE BY SUBMITTING AN APPLICATION TO THE
21 SECRETARY OF STATE IN A FORM AS DETERMINED BY THE SECRETARY OF
22 STATE.

23 SEC. 80130/. (1) THE ABANDONED VESSEL, ORV, AND SNOWMOBILE FUND
24 IS CREATED WITHIN THE STATE TREASURY.

25 (2) THE STATE TREASURER MAY RECEIVE MONEY OR OTHER ASSETS FROM
26 ANY SOURCE FOR DEPOSIT INTO THE FUND. THE STATE TREASURER SHALL
27 DIRECT THE INVESTMENT OF THE FUND. THE STATE TREASURER SHALL CREDIT

1 TO THE FUND INTEREST AND OTHER EARNINGS FROM FUND INVESTMENTS.

2 (3) MONEY IN THE FUND AT THE CLOSE OF THE FISCAL YEAR SHALL
3 REMAIN IN THE FUND AND SHALL NOT LAPSE TO THE GENERAL FUND.

4 (4) THE DEPARTMENT OF STATE SHALL BE THE ADMINISTRATOR OF THE
5 FUND FOR AUDITING PURPOSES.

6 (5) THE DEPARTMENT OF STATE SHALL EXPEND MONEY FROM THE FUND,
7 UPON APPROPRIATION, TO ADMINISTER SECTIONS 80130F TO 80130P, 81151,
8 AND 82161 AND OTHER PROVISIONS OF THIS ACT RELATING TO ABANDONED
9 VESSELS, ORVS AND SNOWMOBILES.

10 SEC. 80130M. (1) A TOWING SERVICE, CUSTODIAN OF A VESSEL, OR
11 BOTH, MAY RECOVER OF TOWING FEES OR, SUBJECT TO SUBSECTION (2),
12 STORAGE FEES FROM THE LAST TITLED OWNER OR, IF THERE IS NO TITLED
13 OWNER, THE LAST REGISTERED OWNER OF A VESSEL CONSIDERED ABANDONED
14 UNDER SECTION 80130F OR SECTION 80130G OR REMOVED UNDER SECTION
15 80130H.

16 (2) IF A VESSEL IS RELEASED FOR DISPOSITION UNDER SECTION
17 80130G OR SECTION 80130K, THE AMOUNT OF STORAGE FEES THAT MAY BE
18 COLLECTED IS THE LEAST OF THE FOLLOWING:

19 (A) THE DAILY STORAGE RATE ESTABLISHED BY CONTRACT OR
20 AGREEMENT WITH THE LAW ENFORCEMENT AGENCY OR UNIT OF GOVERNMENT
21 THAT AUTHORIZED THE TOWING AND STORAGE OF THE VESSEL.

22 (B) THE DAILY STORAGE RATE CHARGED BY THE STORAGE FACILITY.

23 (C) \$1,000.00.

24 (3) SUBSECTION (2) DOES NOT APPLY TO A COMMERCIAL VESSEL OR A
25 VESSEL THAT IS OWNED OR LEASED BY AN ENTITY OTHER THAN AN
26 INDIVIDUAL.

27 SEC. 80130N. SECTIONS 80130F AND 80130G DO NOT APPLY TO A

1 VESSEL THAT IS OWNED BY THE PERSON WHO OWNS THE PRIVATE REAL
2 PROPERTY ON WHICH THE VESSEL IS LOCATED AND DO NOT PROHIBIT OR
3 PREEMPT A LOCAL UNIT OF GOVERNMENT FROM REGULATING THE NUMBER AND
4 PLACEMENT OF VESSELS ON PRIVATE PROPERTY.

5 SEC. 801300. (1) EXCEPT AS OTHERWISE PROVIDED IN SECTION
6 80130P, AN OWNER OR LESSOR OF PRIVATE REAL PROPERTY SHALL POST A
7 NOTICE BEFORE AUTHORIZING THE TOWING OR REMOVAL OF A VESSEL FROM
8 THE REAL PROPERTY WITHOUT THE CONSENT OF THE OWNER OR OTHER PERSON
9 WHO IS LEGALLY ENTITLED TO POSSESS THE VESSEL. THE NOTICE SHALL
10 MEET ALL OF THE FOLLOWING REQUIREMENTS:

11 (A) BE PROMINENTLY DISPLAYED AT EACH POINT OF ENTRY FOR
12 VEHICULAR ACCESS TO THE REAL PROPERTY. IF THE REAL PROPERTY LACKS
13 CURBS OR ACCESS BARRIERS, NOT LESS THAN 1 NOTICE SHALL BE POSTED
14 FOR EACH 100 FEET OF ROAD FRONTAGE.

15 (B) SUBJECT TO SUBSECTION (2), CLEARLY INDICATE IN LETTERS NOT
16 LESS THAN 2 INCHES HIGH ON A CONTRASTING BACKGROUND THAT
17 UNAUTHORIZED VESSELS WILL BE TOWED AWAY AT THE OWNER'S EXPENSE.

18 (C) PROVIDE THE NAME AND TELEPHONE NUMBER OF THE TOWING
19 SERVICE RESPONSIBLE FOR TOWING OR REMOVING VESSELS FROM THAT
20 PROPERTY.

21 (D) BE PERMANENTLY INSTALLED WITH THE BOTTOM OF THE NOTICE
22 LOCATED NOT LESS THAN 4 FEET FROM THE GROUND AND CONTINUOUSLY
23 MAINTAINED ON THE PROPERTY FOR NOT LESS THAN 24 HOURS BEFORE A
24 VESSEL IS TOWED OR REMOVED.

25 (2) INSTEAD OF "VESSELS", THE SIGN REQUIRED UNDER SUBSECTION
26 (1) MAY USE THE TERM "VEHICLES", WHICH SHALL BE CONSTRUED TO GIVE
27 NOTICE THAT VEHICLES AS DEFINED IN SECTION 79 OF THE MICHIGAN

1 VEHICLE CODE, 1949 PA 300, MCL 257.79, AS WELL AS VESSELS, MAY BE
2 TOWED.

3 SEC. 80130P. SECTION 80130O DOES NOT APPLY TO ANY OF THE
4 FOLLOWING:

5 (A) REAL PROPERTY THAT IS APPURTENANT TO AND OBVIOUSLY PART OF
6 A SINGLE- OR DUAL-FAMILY RESIDENCE.

7 (B) IF NOTICE OF BOTH OF THE FOLLOWING IS PERSONALLY GIVEN TO
8 THE OWNER OR OTHER PERSON LEGALLY ENTITLED TO CONTROL OF A VESSEL:

9 (i) THAT THE AREA WHERE THE VESSEL IS PARKED IS RESERVED OR
10 OTHERWISE UNAVAILABLE TO UNAUTHORIZED VESSELS.

11 (ii) THAT THE VESSEL IS SUBJECT TO TOWING OR REMOVAL FROM THE
12 PRIVATE REAL PROPERTY WITHOUT THE CONSENT OF THE VESSEL OWNER OR
13 OTHER PERSON LEGALLY ENTITLED TO CONTROL OF THE VESSEL.

14 (C) A VESSEL REMOVED FROM PRIVATE PROPERTY UNDER SECTION
15 80130H.

16 SEC. 81151. (1) A PERSON SHALL NOT ABANDON AN ORV IN THIS
17 STATE. THE LAST TITLED OWNER OF THE ORV IS PRESUMED TO BE
18 RESPONSIBLE FOR ABANDONING THE ORV UNLESS THE PERSON PROVIDES A
19 RECORD OF THE TRANSFER OF THE ORV TO ANOTHER PERSON. THE RECORD OF
20 TRANSFER MUST BE EITHER A PHOTOCOPY OF THE REASSIGNED TITLE OR A
21 FORM OR DOCUMENT THAT INCLUDES THE TRANSFEREE'S NAME, ADDRESS,
22 DRIVER LICENSE NUMBER, AND SIGNATURE, THE DATE OF TRANSFER OF THE
23 ORV, AND, IF APPLICABLE, THE SALE PRICE.

24 (2) SECTIONS 80130F(2) TO 80130P APPLY TO AN ORV IN THE SAME
25 MANNER AS THOSE PROVISIONS APPLY TO A VESSEL.

26 (3) A PERSON WHO VIOLATES SUBSECTION (1) AND WHO FAILS TO
27 REDEEM THE ORV BEFORE DISPOSITION OF THE ORV UNDER SECTION 80130K

1 IS RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE ORDERED TO PAY A
2 CIVIL FINE OF \$50.00.

3 SEC. 82161. (1) A PERSON SHALL NOT ABANDON A SNOWMOBILE IN
4 THIS STATE. THE LAST REGISTERED OWNER OF THE SNOWMOBILE IS PRESUMED
5 TO BE RESPONSIBLE FOR ABANDONING THE SNOWMOBILE UNLESS THE PERSON
6 PROVIDES A RECORD OF THE TRANSFER OF THE SNOWMOBILE TO ANOTHER
7 PERSON. THE RECORD OF TRANSFER MUST BE A FORM OR DOCUMENT THAT
8 INCLUDES THE TRANSFEREE'S NAME, ADDRESS, DRIVER LICENSE NUMBER, AND
9 SIGNATURE, DATE OF TRANSFER OF THE SNOWMOBILE, AND, IF APPLICABLE,
10 THE SALE PRICE.

11 (2) SECTIONS 80130F(2) TO 80130P APPLY TO A SNOWMOBILE IN THE
12 SAME MANNER AS THOSE PROVISIONS APPLY TO A VESSEL EXCEPT AS
13 FOLLOWS:

14 (A) SECTION 80130G(5) DOES NOT APPLY TO A SNOWMOBILE. THE
15 RELEASE FORM MAY BE USED AS EVIDENCE OF OWNERSHIP TO APPLY FOR A
16 SNOWMOBILE REGISTRATION.

17 (B) SECTION 80130K(3)(B)(ii) DOES NOT APPLY TO A SNOWMOBILE.

18 (3) A PERSON WHO VIOLATES SUBSECTION (1) AND WHO FAILS TO
19 REDEEM THE SNOWMOBILE BEFORE DISPOSITION OF THE SNOWMOBILE UNDER
20 SECTION 80130K IS RESPONSIBLE FOR A CIVIL INFRACTION AND SHALL BE
21 ORDERED TO PAY A CIVIL FINE OF \$50.00.