

Act No. 549
Public Acts of 2014
Approved by the Governor
January 10, 2015
Filed with the Secretary of State
January 15, 2015
EFFECTIVE DATE: April 16, 2015

**STATE OF MICHIGAN
97TH LEGISLATURE
REGULAR SESSION OF 2014**

**Introduced by Reps. LaFontaine, Foster, Geiss, Zorn, McBroom, Johnson, Haugh, Rendon, Kandrevas,
Goike, Kivela, Dianda and Kosowski**

ENROLLED HOUSE BILL No. 5563

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 8901, 8905a, and 80125 (MCL 324.8901, 324.8905a, and 324.80125), sections 8901 and 8905a as amended by 2004 PA 494 and section 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:

Sec. 8901. As used in this part:

(a) “Litter” means any of the following:

(i) Rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances.

(ii) A vehicle that is considered abandoned under section 252a of the Michigan vehicle code, 1949 PA 300, MCL 257.252a.

(iii) An abandoned vessel as defined in section 80130f.

(iv) An ORV that is considered abandoned under section 80130f as made applicable in section 81151.

(v) A snowmobile that is considered abandoned under section 80130f as made applicable in section 82161.

(b) “Public or private property or water” includes, but is not limited to, any of the following:

(i) The right-of-way of a road or highway, a body of water or watercourse, or the shore or beach of a body of water or watercourse, including the ice above the water.

(ii) A park, playground, building, refuge, or conservation or recreation area.

(iii) Residential or farm properties or timberlands.

(c) “Vehicle” means a motor vehicle registered or required to be registered under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(d) “Vessel” means a vessel registered under part 801.

Sec. 8905a. (1) A person who violates this part, if the amount of the litter is less than 1 cubic foot in volume, is responsible for a state civil infraction and is subject to a civil fine of not more than \$800.00.

(2) A person who violates this part, if the amount of the litter is 1 cubic foot or more but less than 3 cubic feet in volume, is responsible for a state civil infraction and is subject to a civil fine of not more than \$1,500.00.

(3) Except as provided in subsection (4), a person who violates this part, if the amount of the litter is 3 cubic feet or more in volume, is responsible for a state civil infraction and is subject to a civil fine of not more than \$2,500.00. A person found to have committed a violation described in this subsection in a subsequent proceeding is subject to a civil fine of not more than \$5,000.00.

(4) A person who violates this part, if the litter is described in section 8901(a)(ii) to (v), is responsible for a state civil infraction and is subject to a civil fine of not less than \$500.00 or more than \$2,500.00. A person found to have committed a violation described in this subsection in a subsequent proceeding is subject to a civil fine of not less than \$1,000.00 or more than \$5,000.00. However, the court shall not order the payment of a fine unless the vehicle has been disposed of under section 252g of the Michigan vehicle code, 1949 PA 300, MCL 257.252g, the abandoned vessel has been disposed of under section 80130k, the ORV that is considered abandoned has been disposed of under section 80130k as made applicable in section 81151, or the snowmobile that is considered abandoned has been disposed of under section 80130k as made applicable in section 82161.

(5) A default in the payment of a civil fine or costs ordered under this part or an installment of the fine or costs may be remedied by any means authorized under the revised judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

(6) This section does not apply to a violation of section 8903 or 8905.

Sec. 80125. (1) The owner of a vessel shall notify the secretary of state within 15 days if the vessel is destroyed or sold; if an interest in the vessel is transferred either wholly or in part, to another person; or if the owner's address no longer conforms to the address appearing on the certificate of number. The notice shall consist of a surrender of the certificate of number, on which the proper information shall be noted on a place to be provided on the certificate. When the surrender of the certificate is due to the vessel being destroyed, the secretary of state shall cancel the certificate and enter that fact in the secretary of state's records, and the number may be reassigned.

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

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

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

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

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

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

(5) The transferee of a vessel registered under this part, within 15 days after acquisition of the vessel, shall apply to the secretary of state for transfer to the transferee of the certificate of number issued to the vessel. The transferee shall provide his or her name, address, and the number of the vessel and pay to the secretary of state a transfer fee of \$2.00. The registration fee for the certificate of number shall be 2/3 the fee provided in section 80124 if the transferred certificate of number would have remained valid for 1 year or less. The registration fee for the certificate of number shall be 1/3 the fee provided in section 80124 if the transferred certificate of number would have remained valid for more than 1 year but less than 2 years. An additional registration fee shall not be assessed if the transferred registration would have remained valid for 2 or more years. Unless the application is made and the fee paid within 15 days after acquisition of the vessel, the vessel shall be considered to be without certificate of number and a person shall not operate the vessel until a certificate is issued. Upon receipt of the application and appropriate fees, the secretary of state shall transfer the certificate of number issued for the vessel to the new owner. The certificate of number shall be valid for a 3-year period.

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

Sec. 80130f. (1) A person shall not abandon a vessel in this state. It is presumed that the last titled owner or, if there is no titled owner, the last registered owner of the vessel is responsible for abandoning the vessel unless the person provides a record of the transfer of the vessel to another person. For the purposes of this subsection, the record of transfer must be either a photocopy of the reassigned title or reassigned registration or a form or document that includes the transferee's name, address, driver license number, and signature, the date of transfer of the vessel, and, if applicable, the sale price. A person who violates this subsection and who fails to redeem the vessel before disposition of the vessel under section 80130k is responsible for a state civil infraction as provided in section 8905a.

(2) As used in this section through section 80130p, “abandoned vessel” means any of the following:

(a) A vessel that is on private property without the consent of the property owner.

(b) A vessel that has remained on public property that is not a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, for a period of 48 hours or more without the permission of the governmental unit with custody of the property.

(c) A vessel that meets all of the following requirements:

(i) Is stationary on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651.

(ii) Is not on a motor vehicle or trailer as described under subdivision (d)(i).

(iii) is not under the immediate custody of the owner or owner’s agent.

(d) A vessel on a motor vehicle or trailer if the motor vehicle or trailer meets all of the following requirements:

(i) Displays a valid registration plate under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(ii) Has remained parked on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, for a period of 18 hours or more.

(iii) Is not under the immediate custody of the owner of the vessel, motor vehicle, or trailer or the owner’s agent.

(3) If a vessel qualifies as abandoned under subsection (2)(b) or (c), a police agency having jurisdiction over the vessel or the agency’s designee shall determine whether the vessel has been reported stolen and, if the vessel has not been reported stolen, may have a towing agency take the vessel into custody.

(4) A police agency that has a vessel taken into custody under subsection (3) or that receives notice of a vessel taken into custody under subsection (10) shall do all of the following:

(a) Recheck to determine if the vessel taken into custody under subsection (3) or check if the vessel taken into custody under subsection (10) has been reported stolen.

(b) If the vessel has not been reported stolen, within 24 hours after the vessel is taken into custody, enter the vessel in the law enforcement information network as an abandoned vessel and notify the secretary of state through the law enforcement information network that the vessel has been taken into custody as abandoned. The notification shall contain all of the following information:

(i) The year, make, and vessel identification number of the vessel, if available.

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

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

(iv) The name and address of the police agency.

(v) The name and business address of the custodian of the vessel.

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

(5) Within 7 days after receiving notice under subsection (4)(b) that a vessel has been taken into custody as abandoned, the secretary of state shall do both of the following:

(a) Send to the last titled owner and secured party, as shown by the records of the secretary of state, or, if there is no titled owner, to the last registered owner, by first-class mail or personal service, notice that the vessel is considered abandoned. Each notice form shall contain all of the following information:

(i) The year, make, and vessel identification number of the vessel, if available.

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

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

(iv) The name and address of the police agency that had the vessel taken into custody under subsection (3) or received notice of a vessel taken into custody under subsection (10).

(v) The name and business address of the custodian of the vessel.

(vi) The procedure to redeem the vessel.

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

(viii) A form petition that the owner may file in person or by mail with the specified court having jurisdiction to request a hearing on the validity of the grounds for taking custody of the vessel.

(ix) A warning that if the vessel is not redeemed or a hearing requested within 20 days after the date of the notice, the vessel may be sold and all rights of the owner and the secured party to the vessel or to the proceeds of the sale terminated.

(b) Enter the information described in subdivision (a) on a website maintained by the secretary of state for public use in locating vessels that are taken into custody under this section as abandoned. The secretary of state shall maintain the data on the website for 1 year or until the vessel is disposed of under this part, whichever occurs first.

(6) To contest whether the vessel is abandoned or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or police agency and comply with section 80130m, the reasonableness of the towing fees and daily storage fees, the owner shall request a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice under subsection (5) within 20 days after the date of the notice under subsection (5). If the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 80130j. An owner who requests a hearing may redeem the vessel by posting a towing and storage bond with or paying a fee to the court. The bond or fee shall be equal to \$40.00 plus the accrued towing and storage fees.

(7) If the owner does not request a hearing under subsection (6), he or she may redeem the vessel by paying a fee of \$40.00 and the accrued towing and storage fees to the custodian of the vessel. The custodian of the vessel shall forward \$25.00 of the fee to the secretary of state within 30 days after receipt, in a manner prescribed by the secretary of state. The secretary of state shall deposit the \$25.00 into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

(8) If the owner does not redeem the vessel or request a hearing within 20 days after the date of the notice under subsection (5)(a), the secured party may redeem the vessel by paying a \$40.00 fee plus the accrued charges to the custodian of the vessel. The custodian of the vessel shall forward \$25.00 of the fee to the secretary of state within 30 days after receipt, in a manner prescribed by the secretary of state. The secretary of state shall deposit that portion of the fee into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

(9) If a vessel is on private property without the consent of the property owner, the owner of the private property may have the vessel taken into custody as an abandoned vessel by contacting a local towing agency. A local towing agency is a towing agency whose storage lot is located within 15 miles from the border of the local unit of government having jurisdiction over the abandoned vessel.

(10) Before removing the vessel from private property, the towing agency contacted under subsection (9) shall provide reasonable notice by telephone, or otherwise, to a police agency having jurisdiction over the vessel that the vessel is being removed. The police agency shall determine if the vessel has been reported stolen, and if the vessel has not been reported stolen, comply with subsection (4)(b). Verification by the police agency of compliance with this section is not necessary and is not a predicate to entering the vessel in the law enforcement information network. Subsections (5) to (8) apply to a vessel removed from private property.

(11) Not less than 20 days after a determination that the vessel is abandoned in a hearing under subsection (6) or, if a hearing is not requested, not less than 20 days after the date of the notice, the following shall offer the vessel for sale at a public sale under section 80130k:

(a) The police agency, if the abandoned vessel is found on public property.

(b) The custodian of the vessel, if the vessel is found on private property.

(12) If the ownership of a vessel that is considered abandoned under this section cannot be determined either because of the condition of the vessel identification numbers or because a check with the records of the secretary of state as described in section 80310 does not reveal ownership, the police agency may sell the vessel at public sale as provided in section 80130k not less than 30 days after public notice of the sale has been published.

Sec. 80130g. (1) As used in this section:

(a) "Registered abandoned scrap vessel" means a vessel that meets all of the following requirements:

(i) Is 7 or more years old.

(ii) Is apparently inoperable or is damaged, to the extent that the cost of repairing the vessel to make it operational and safe would exceed the fair market value of that vessel.

(iii) Is currently registered or titled in this state or displays a current year registration or current year registration decal from another state.

(b) "Unregistered abandoned scrap vessel" means a vessel that meets all of the following requirements:

(i) Is apparently inoperable or is damaged, to the extent that the cost of repairing the vessel to make it operational and safe would exceed the fair market value of that vessel.

(ii) Is not currently registered or titled in this state and does not display a current year registration or current year registration decal from another state.

(2) A police agency or the agency's designee or, if the vessel is on private property, the property owner may have an unregistered abandoned scrap vessel taken into custody, in which case the police agency shall determine if the vessel has been reported stolen. If the vessel has not been reported stolen, the police agency shall do all of the following:

(a) Take 2 photographs of the vessel.

(b) Make a report to substantiate the vessel as an unregistered abandoned scrap vessel. The report shall contain the following information:

(i) The year, make, and vessel identification number, if available, and a brief description of the vessel.

- (ii) The date of abandonment.
- (iii) The location of abandonment.
- (iv) A detailed listing of the damage or the missing equipment.
- (v) The reporting officer's name and title.
- (vi) The location where the vessel is being held.

(c) Within 24 hours after taking the vessel into custody, enter the vessel in the law enforcement information network as an abandoned vessel.

(3) The secretary of state shall furnish the police agency with a release form that includes a certification that the police agency has complied with the requirements of subsection (2)(a) and (b).

(4) If the police agency determined under subsection (2) that a vessel was not reported stolen, then within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vessel into custody, the police agency or the agency's designee shall complete a release form and certification and release the vessel to the towing service.

(5) The towing service shall complete the certificate of scrapping on the back of the release form and transfer the form to and dispose of the vessel with a scrap metal processor or landfill operator. The scrap metal processor or landfill operator shall transfer the form to the secretary of state.

(6) The secretary of state shall retain the records relating to an abandoned scrap vessel for not less than 2 years. The police agency or the agency's designee shall retain the 2 photographs taken under subsection (2)(a) for not less than 2 years. After the certificate of scrapping has been issued, the secretary of state shall not reissue a certificate of title for the vessel.

(7) A police agency or the agency's designee or, if the vessel is on private property, the property owner may have a registered abandoned scrap vessel taken into custody, in which case the police agency shall determine if the vessel has been reported stolen. If the vessel has not been reported stolen, the police agency shall do all of the following:

(a) Take 2 photographs of the vessel.

(b) Make a report to substantiate the vessel as a registered abandoned scrap vessel. The report shall contain the following information:

- (i) The year, make, and vessel identification number, if available.
- (ii) The date of abandonment.
- (iii) The location of abandonment.
- (iv) A detailed listing of the damage or the missing equipment.
- (v) The reporting officer's name and title.
- (vi) The location where the vessel is being held.

(c) Within 24 hours after taking the vessel into custody, cause the vessel to be entered in the law enforcement information network as abandoned.

(8) If the police agency determined under subsection (7) that a vessel was not reported stolen, within 7 days after the vessel is taken into custody, the secretary of state shall send to the last titled or registered owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vessel is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

- (a) The year, make, and vessel identification number of the vessel, if available.
- (b) The address or approximate location from which the vessel was taken into custody.
- (c) The date on which the vessel was taken into custody.
- (d) The name and address of the police agency that had the vessel taken into custody, if applicable.
- (e) The name and business address of the custodian of the vessel.
- (f) The procedure to redeem the vessel.
- (g) The name of the court that has jurisdiction of the case.

(h) The procedure to contest whether the vessel is abandoned or the reasonableness of the towing fees and daily storage fees.

(i) A form that the owner may file in person or by mail with the specified court that requests a hearing on the custody of the vessel.

(j) A warning that if the vessel is not redeemed or a hearing requested within 20 days after the date of the notice, the vessel may be sold and all rights of the owner and the secured party to the vessel or the proceeds of the sale terminated.

(9) To contest designation of the registered vessel as an abandoned scrap vessel or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or police agency and comply with section 80130m, the reasonableness of the towing fees and daily storage fees the registered owner shall request a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice under subsection (8) within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 80130j. An owner who requests a hearing may redeem the vessel by posting a towing and storage bond with or paying a fee to the court. The bond or fee shall equal \$40.00 plus the accrued towing and storage fees.

(10) If the owner does not request a hearing under subsection (9), he or she may redeem the vessel by paying a fee of \$40.00 plus the accrued charges to the custodian of the vessel. Within 30 days after receipt of a fee under this subsection, the custodian shall forward \$25.00 of the fee to the secretary of state in a manner prescribed by the secretary of state. The secretary of state shall deposit the fee into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

(11) If the owner does not redeem the vessel or request a hearing within 20 days after the date of the notice under subsection (8), the secured party may redeem the vessel by paying a fee of \$40.00 plus the accrued charges to the custodian of the vessel. Within 30 days after the receipt of the fee under this subsection, the custodian shall forward \$25.00 of the fee to the secretary of state in a manner prescribed by the secretary of state. The secretary of state shall deposit the fee into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

(12) Not less than 20 days after a determination that the vessel is abandoned in a hearing described in subsection (9) or, if a hearing is not requested, not less than 20 days after the date of the notice under subsection (8), the police agency or the agency's designee, scrap metal processor or landfill operator, and secretary of state shall follow the procedures established in subsections (3) to (6).

Sec. 80130h. (1) After determining under subsection (3) that a vessel has not been reported stolen, a police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vessel from public or private property to a place of safekeeping at the expense of the last titled owner or, if there is no titled owner, the last registered owner of the vessel in any of the following circumstances:

(a) The vessel is in such a condition that the operation of the vessel would constitute an immediate hazard to the public.

(b) The vessel is parked or standing upon a highway, road, or street in a manner that creates an immediate public hazard or an obstruction of traffic.

(c) The vessel is parked in a posted tow-away zone.

(d) There is reasonable cause to believe that the vessel or any part of the vessel is stolen.

(e) The vessel must be seized to preserve evidence of a crime or because there is reasonable cause to believe that the vessel was used in the commission of a crime.

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

(g) The vessel is interfering with the owner's or owner's agent's use of private property or is parked in a manner that impedes the movement of another vessel or vehicle.

(h) The vessel is stopped, standing, or parked in a space designated as parking for persons with disabilities and is not permitted by law to be stopped, standing, or parked in a space designated as parking for persons with disabilities.

(i) The vessel is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.

(j) The vessel is interfering with the use of a ramp or a curb-cut by persons with disabilities.

(k) The vessel has been involved in a crash and cannot be safely operated to remove it from the scene of the crash.

(l) The vessel is submerged in, partially submerged in, or floating unanchored or untethered upon a public waterway.

(2) Unless the vessel is ordered to be towed by a police agency or a governmental agency designated by a police agency under subsection (1)(a), (d), (e), or (k), if the owner or other person who is legally entitled to possess a vessel to be towed or removed arrives at the vessel's location before the actual towing or removal of the vessel, the vessel shall be disconnected from the tow truck or other towing vehicle, and the owner or other person who is legally entitled to possess the vessel may take possession of the vessel and remove it without interference upon the payment of the reasonable service fee to the towing agency, for which the towing agency shall provide a receipt.

(3) Before authorizing the removal of a vessel under subsection (1), a police agency shall check to determine if the vessel has been reported stolen. Except for vessels removed under subsection (1)(d), (e), or (k), the police agency shall enter the vessel in the law enforcement information network as abandoned not less than 7 days after authorizing the removal and the procedures set forth in section 80130f apply.

(4) The towing agency or custodian shall not release to the vessel owner a vessel removed under subsection (1)(d), (e), or (k) unless the release has been authorized by the police agency that authorized the removal.

(5) Not less than 20 days but not more than 30 days after a vessel has been released by the police agency under subsection (4), the towing agency or custodian shall notify the police agency to enter the vessel in the law enforcement information network as abandoned and the police agency shall follow the procedures set forth in section 80130f if the impounded vessel has not been redeemed.

Sec. 80130i. (1) The following courts have jurisdiction to determine if a police agency, towing agency or custodian, or private property owner has acted properly in reporting or processing a vessel under section 80130f, 80130g(7) to (12), or 80130h:

(a) The district court.

(b) A municipal court.

(2) The court specified in the notice prescribed in section 80130f(4)(b) or 80130g(8) shall be the court that has territorial jurisdiction at the location from which the vessel was removed or where it was abandoned. Venue in the district court is governed by section 8312 of the revised judicature act of 1961, 1961 PA 236, MCL 600.8312.

(3) If the owner fails to pay the accrued towing and storage fees, the towing and storage bond posted with the court to secure redemption of the vessel under section 80130f or 80130g shall be used to pay the towing and storage fees.

(4) The remedies under sections 80130f to 80130p are the exclusive remedies for the disposition of abandoned vessels.

Sec. 80130j. (1) Upon the filing of a petition prescribed in section 80130f or 80130g, signed by the owner of the vessel that has been taken into custody, the court shall do both of the following:

(a) Schedule a hearing within 30 days for the purpose of determining whether the police agency, towing agency or custodian, or private property owner acted in accordance with this part.

(b) Notify the owner, towing agency or custodian, police agency, and, if the vessel was removed from private property, the private property owner of the time and place of the hearing.

(2) At the hearing specified in subsection (1), the police agency, towing agency or custodian, and, if the vessel was removed from private property, the private property owner have the burden of showing by a preponderance of the evidence that they have complied with the requirements of this act in reporting or processing the abandoned vessel or vessel removed under section 80130h.

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

(a) A finding that the police agency complied with the procedures established for the processing of an abandoned vessel or a vessel removed under section 80130f, 80130g, or 80130h, and an order providing a period of 20 days after the decision for the owner to redeem the vessel. If the owner does not redeem the vessel within 20 days, the police agency shall dispose of the vessel under section 80130g or 80130k. Within 30 days after the court's decision, the court shall forward \$25.00 of the fee collected under section 80130g or 80130k to the secretary of state in a manner prescribed by the secretary of state. The towing and storage fees and \$15.00 of the fee collected under section 80130g or 80130k shall be forwarded to the towing agency.

(b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vessel or a vessel removed under section 80130f, 80130g, or 80130h and directing all of the following:

(i) That the vessel immediately be released to the owner.

(ii) That the police agency is responsible for the accrued towing and storage charges.

(iii) That any fee or bond posted by the owner be returned.

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

(d) A finding that the towing fees and daily storage fees were unreasonable and directing the towing agency or custodian of the vessel to provide the last titled owner or, if there is no titled owner, the last registered owner of the vessel with an appropriate reduction or refund.

(e) A finding that the owner of the real property complied with section 80130o, if applicable.

(f) A finding that the owner of the real property did not comply with section 80130o, if applicable, and an order requiring the owner of the real property to reimburse the last titled owner of the vessel for the accrued towing and storage charges.

(g) A finding that the towing agency did not comply with the procedures established for the proper removal and reporting of a vessel removed under section 80130f, 80130g, or 80130h and an order directing all of the following:

(i) That the vessel immediately be released to the owner.

(ii) That the towing agency is responsible for the accrued towing and storage charges.

(iii) That any fee or bond posted by the owner be returned.

(h) A finding that the towing agency did comply with the procedures established for the proper removal and reporting of a vessel removed under section 80130f, 80130g, or 80130h.

Sec. 80130k. (1) A public sale for a vessel, and its contents, that has been determined to be abandoned under section 80130f or 80197 or removed under section 80130h shall comply with all of the following:

(a) Be under the control of the police agency or, if the vessel is being sold under section 80130f(11), the custodian of the vessel. However, a police agency may designate the custodian of the vessel or a third party to conduct the auction.

(b) Be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the police agency or the agency's designee or, if the vessel is being sold under section 80130f(11), the custodian of the vessel shall provide the person submitting a bid with a receipt for the bid.

(c) Except as otherwise provided in section 80130f(11) and (12), be held not less than 5 days after public notice of the sale has been published. The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vessel was abandoned or on a publicly accessible website maintained by the secretary of state. The public notice shall give a description of the vessel for sale and shall state the time, date, and location of the sale.

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

(a) Accrued towing and storage charges. If the money received from the public sale does not satisfy the accrued towing, storage, and disposal fees, the towing company may collect the balance of those unpaid fees from the last titled owner or, if there is no titled owner, the last registered owner, subject to section 80130m(2) and (3).

(b) Expenses incurred by the police agency or the custodian of the vessel, for disposition as described in section 80130j(3)(a).

(c) Payment of the \$40.00 in fees under section 80130j(3)(a).

(d) Sent to the department of treasury's unclaimed property division to be disbursed as follows:

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

(ii) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the last titled owner or, if there is no titled owner, the last registered owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the local unit of government whose police agency entered the vessel in the law enforcement information network.

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

(a) Turn the vessel over to the towing firm or the custodian of the vessel to satisfy charges against the vessel by completing the release form under section 80130g. However, if the value of the vessel does not satisfy the accrued towing, storage, and disposal fees, the custodian of the vessel may collect the balance of those unpaid fees from the last titled owner or, if there is no titled owner, the last registered owner, subject to section 80130m.

(b) Obtain title to the vessel for the police agency or the unit of government the police agency represents, by doing both of the following:

(i) Paying the towing and storage charges.

(ii) Applying for title to the vessel.

(c) Holding another public sale under subsection (1).

(4) Upon disposition of the vessel, the police agency or towing agency or custodian shall provide the secretary of state and the police agency, if that police agency did not conduct the sale, with the vessel's disposition and the name of the agency that disposed of it and the police agency shall cancel the entry in the law enforcement information network under section 80130f or 80130h, if applicable.

(5) If by 25 days after the date of notice required under section 80130f the police agency has not provided a copy of the bill of sale by the police agency for the abandoned vessel to the towing agency or custodian or police agency's designee, the towing agency or custodian or police agency designee may obtain an original of the bill of sale by submitting an application to the secretary of state in a form as determined by the secretary of state.

Sec. 80130l. (1) The abandoned vessel, ORV, and snowmobile fund is created within the state treasury.

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and other earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The department of state shall be the administrator of the fund for auditing purposes.

(5) The department of state shall expend money from the fund, upon appropriation, to administer sections 80130f to 80130p, 81151, and 82161 and other provisions of this act relating to abandoned vessels, ORVs and snowmobiles.

Sec. 80130m. (1) A towing service, custodian of a vessel, or both, may recover towing fees or, subject to subsection (2), storage fees from the last titled owner or, if there is no titled owner, the last registered owner of a vessel considered abandoned under section 80130f or section 80130g or removed under section 80130h.

(2) If a vessel is released for disposition under section 80130g or section 80130k, the amount of storage fees that may be collected is the least of the following:

(a) The daily storage rate established by contract or agreement with the law enforcement agency or unit of government that authorized the towing and storage of the vessel.

(b) The daily storage rate charged by the storage facility.

(c) \$1,000.00.

(3) Subsection (2) does not apply to a commercial vessel or a vessel that is owned or leased by an entity other than an individual.

Sec. 80130n. Sections 80130f and 80130g do not apply to a vessel that is owned by the person who owns the private real property on which the vessel is located and do not prohibit or preempt a local unit of government from regulating the number and placement of vessels on private property.

Sec. 80130o. (1) Except as otherwise provided in section 80130p, an owner or lessor of private real property shall post a notice before authorizing the towing or removal of a vessel from the real property without the consent of the owner or other person who is legally entitled to possess the vessel. The notice shall meet all of the following requirements:

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

(b) Subject to subsection (2), clearly indicate in letters not less than 2 inches high on a contrasting background that unauthorized vessels will be towed away at the owner's expense.

(c) Provide the name and telephone number of the towing service responsible for towing or removing vessels from that property.

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

(2) Instead of "vessels", the sign required under subsection (1) may use the term "vehicles", which shall be construed to give notice that vehicles as defined in section 79 of the Michigan vehicle code, 1949 PA 300, MCL 257.79, as well as vessels, may be towed.

Sec. 80130p. Section 80130o does not apply to any of the following:

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

(b) If notice of both of the following is personally given to the owner or other person legally entitled to control of a vessel:

(i) That the area where the vessel is parked is reserved or otherwise unavailable to unauthorized vessels.

(ii) That the vessel is subject to towing or removal from the private real property without the consent of the vessel owner or other person legally entitled to control of the vessel.

(c) A vessel removed from private property under section 80130h.

Sec. 81151. (1) A person shall not abandon an ORV in this state.

(2) The last titled owner of the ORV is presumed to be responsible for abandoning the ORV unless the person provides a record of the transfer of the ORV to another person. The record of transfer must be either a photocopy of the reassigned title or a form or document that includes the transferee's name, address, driver license number, and signature, the date of transfer of the ORV, and, if applicable, the sale price.

(3) Sections 80130f(2) to 80130p apply to an ORV in the same manner as those provisions apply to a vessel.

(4) A person who violates subsection (1) and who fails to redeem the ORV before disposition of the ORV under section 80130k is responsible for a state civil infraction as provided in section 8905a.

Sec. 82161. (1) A person shall not abandon a snowmobile in this state.

(2) The last registered owner of the snowmobile is presumed to be responsible for abandoning the snowmobile unless the person provides a record of the transfer of the snowmobile to another person. The record of transfer must be a form

or document that includes the transferee's name, address, driver license number, and signature, date of transfer of the snowmobile, and, if applicable, the sale price.

(3) Sections 80130f(2) to 80130p apply to a snowmobile in the same manner as those provisions apply to a vessel, except that section 80130k(3)(b)(ii) does not apply to a snowmobile.

(4) A person who violates subsection (1) and who fails to redeem the snowmobile before disposition of the snowmobile under section 80130k is responsible for a state civil infraction as provided in section 8905a.

Enacting section 1. This amendatory act takes effect upon the expiration of 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor