

MICHIGAN VEHICLE CODE (EXCERPT)
Act 300 of 1949

257.252f Filing petition; duties of court; hearing; notice; burden; decision; district court magistrate; appeal.

Sec. 252f. (1) Upon the filing of a petition prescribed in section 252a, 252b, or 252d, signed by the owner of the vehicle that has been taken into custody, or, upon the filing of a petition prescribed in section 252a signed by the secured party regarding a vehicle 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 properly.

(b) Notify the owner or the secured party, as applicable, towing agency or custodian, and police agency or if the vehicle was removed from private property, notify the private property owner also of the time and place of the hearing.

(2) At the hearing specified in subsection (1), the police agency, towing agency or custodian, or, if the vehicle was removed from private property, the private property owner shall have the burden of showing by a preponderance of the evidence that it has complied with the requirements of this act in reporting or processing the abandoned vehicle or vehicle removed under section 252d.

(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 vehicle or a vehicle removed under section 252a, 252b, or 252d, and an order providing a period of 10 days after the decision for the owner or the secured party, if applicable, to redeem the vehicle. If the owner or the secured party does not redeem the vehicle within 10 days, the police agency shall dispose of the vehicle under section 252b or 252g. The court shall forward \$25.00 of the fee collected under section 252b or 252g to the secretary of state within 30 days after the court's decision in a manner prescribed by the secretary of state. The towing and storage fees and \$15.00 of the fee collected under section 252b or 252g shall be forwarded to the towing agency.

(b) A finding that the police agency did not enter the vehicle as abandoned into the law enforcement information network within 24 hours after the vehicle was taken into custody as required by section 252a(5)(b) or (12). After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner or the secured party, if applicable, and directing 1 of the following:

(i) That the police agency reimburse the owner or the secured party, if applicable, for the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12) if the owner or the secured party paid the accrued storage charges.

(ii) If the owner or the secured party has not paid the accrued storage charges but has posted a fee or bond with the court, that the police agency shall pay directly to the owner or secured party the amount of the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or 252a(12) plus interest no later than 10 days after the date of the order. The court shall release the bond posted by the owner or secured party in full to the custodian after the court has received notice from the police agency that the police agency has issued the payment required by this subparagraph to the owner or secured party.

(c) A finding that the police agency improperly determined that the vehicle was abandoned. After making the finding, the court shall issue an order directing that the vehicle be immediately released to the owner and directing the custodian to reimburse the owner for the accrued towing and storage charges, if the owner paid the accrued towing and storage charges. The court shall order the police agency to reimburse the custodian for accrued towing and storage charges paid to the owner under this subdivision. If the owner has not paid the accrued towing and storage charges, the court shall order the police agency to pay the accrued towing and storage charges. The court shall also order the police agency to pay any other fees associated with recovering the vehicle, or to reimburse the owner for any other fees associated with recovering the vehicle paid by the owner. The court shall also order any fee or bond posted by the owner to be returned to the owner.

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

(e) A finding that the towing fees and daily storage fees were unreasonable and issue an order directing the towing agency or custodian of the vehicle to provide the last titled owner of the vehicle or the secured party, if applicable, with an appropriate reduction or refund.

(f) A finding that the owner of the real property complied with the provisions of section 252k or 252l.

(g) A finding that the owner of the real property did not comply with the provisions of section 252k or 252l, and issue an order requiring the owner of the real property to reimburse the last titled owner of the vehicle or the secured party, if applicable, for the accrued towing and storage charges.

(h) A finding that the towing agency did not comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(11), 252b, or 252d. After making the finding, the court shall issue an order directing that the vehicle immediately be released to the owner or the secured party, if applicable, and directing 1 of the following:

(i) That the towing agency reimburse the owner or the secured party, if applicable, for the storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12), if the owner or the secured party paid the accrued storage charges.

(ii) If the owner or the secured party, if applicable, has not paid the accrued towing and storage charges but has posted a fee or bond with the court, that the bond and storage charges accrued before the police agency entered the vehicle into the law enforcement information network as required by section 252a(5)(b) or (12) be returned to the owner or the secured party, and that the remainder of any fee posted with the court be paid to the custodian.

(i) A finding that the towing agency did comply with the procedures established for the proper removal and reporting of an abandoned vehicle removed under section 252a(11), 252b, or 252d.

(4) A hearing under this section shall be conducted by a district court magistrate, if a district court magistrate has been appointed by the court. The appeal of a district court magistrate's decision under this section shall be heard by a judge of the district court.

History: Add. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2018, Act 347, Eff. Jan. 14, 2019.