

**MICHIGAN VEHICLE CODE (EXCERPT)**  
**Act 300 of 1949**

**SPECIAL ANTI-THEFT LAWS**

**257.252 Reports of stolen and recovered vehicles.**

Sec. 252. A police agency, upon receiving reliable information that any vehicle registered under this act has been stolen, shall immediately report the theft through the law enforcement information network. Upon receiving information that a vehicle previously reported as stolen has been recovered, the police agency shall immediately report the fact of the recovery through the law enforcement information network.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1964, Act 99, Eff. Aug. 28, 1964;—Am. 1966, Act 157, Imd. Eff. July 1, 1966;—Am. 1968, Act 170, Imd. Eff. June 17, 1968;—Am. 1972, Act 350, Eff. Mar. 1, 1973;—Am. 1980, Act 249, Imd. Eff. July 28, 1980.

**257.252a Abandoned vehicle; presumption of responsibility; violation; penalty; "abandoned vehicle" defined; notice; duties of police agency; contest by owner; hearing; request; fee; towing and storage charges; secured party; obtaining release of vehicle; inspection; public sale; inability to determine ownership of abandoned vehicle; entry into law enforcement information network.**

Sec. 252a. (1) A person shall not abandon a vehicle in this state. It is presumed that the last titled owner of the vehicle is responsible for abandoning the vehicle unless the person provides a record of the sale as that term is defined in section 240. A person who violates this subsection and who fails to redeem the vehicle before disposition of the vehicle under section 252g is responsible for a civil infraction and shall be ordered to pay a civil fine of \$50.00.

(2) As used in this section and sections 252b through 252l, "abandoned vehicle" means any of the following:

(a) A vehicle that has remained on private property without the consent of the owner.

(b) A vehicle that has remained on public property for a period of not less than 48 hours, or on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, as follows:

(i) If a valid registration plate is affixed to the vehicle, for a period of not less than 18 hours.

(ii) If a valid registration plate is not affixed to the vehicle.

(c) A vehicle, other than a late-model vehicle, to which all of the following apply:

(i) An insurance company has not acquired ownership of the vehicle under section 217c.

(ii) The vehicle cannot be disposed of under section 248c.

(iii) The vehicle has remained in the custody of a vehicle salvage pool or broker site without the consent of the vehicle salvage pool operator or the broker for a period of not less than 60 days.

(3) If a vehicle has remained on public property for the period of time described in subsection (2)(b) so that it qualifies as abandoned, a police agency having jurisdiction over the vehicle or the agency's designee shall determine whether the vehicle has been reported stolen and may affix a written notice to the vehicle. The written notice shall contain the following information:

(a) The date and time the notice was affixed.

(b) The name and address of the police agency taking the action.

(c) The name and badge number of the police officer affixing the notice.

(d) The date and time the vehicle may be taken into custody and stored at the owner's expense or scrapped if the vehicle is not removed.

(e) The year, make, and vehicle identification number of the vehicle, if available.

(4) If the vehicle is an abandoned vehicle, the police agency or the agency's designee may have the towing agency take the vehicle into custody.

(5) A police agency that has received a vehicle taken into custody as abandoned shall do all of the following:

(a) Recheck to determine if the vehicle has been reported stolen.

(b) Within 24 hours after the vehicle is taken into custody, enter the vehicle as abandoned into the law enforcement information network, and notify the secretary of state through the law enforcement information network that the vehicle has been taken into custody as abandoned. Each notification shall contain the following information:

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

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

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

(iv) The date the vehicle is being entered into the law enforcement information network and whether the

information is being entered within 24 hours after the vehicle was taken into custody.

(v) The name and address of the police agency that had the vehicle taken into custody.

(vi) The name and business address of the custodian of the vehicle.

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

(c) Within 7 days after receiving notice under subdivision (b) that the vehicle has been taken into custody, the secretary of state shall do both of the following:

(i) Send to the last titled owner and secured party, as shown by the records of the secretary of state as described in section 221 or 237, by first-class mail or personal service, notice that the vehicle 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 vehicle identification number of the vehicle if available.

(B) The address or approximate location from which the vehicle was taken into custody.

(C) The date on which the vehicle was taken into custody.

(D) The name and address of the police agency that had the vehicle taken into custody.

(E) The name and business address of the custodian of the vehicle.

(F) The procedure to redeem the vehicle.

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

(H) A form petition that the owner may file in person or by mail with the specified court that requests a hearing on the police agency's action.

(I) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.

(ii) Enter the information described in subparagraph (i) on a website maintained by the department for public use in locating vehicles that are removed under this section as abandoned. The department shall maintain the data on the website for 1 year or until the vehicle is disposed of under this act, whichever occurs first.

(6) The owner may contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing and posting a bond equal to \$40.00 plus the amount of the accrued towing and storage fees. A request for a hearing shall be made by filing a petition with the court specified in the notice described in subsection (5)(c) within 20 days after the date of the notice. Subject to subsection (8), if the owner requests a hearing, the matter shall be resolved after a hearing conducted under sections 252e and 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the \$40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of \$40.00 to the court and the accrued towing and storage fees instead of posting the towing and storage bond.

(7) Subject to subsection (9), if the owner does not request a hearing under subsection (6), he or she may obtain the release of the vehicle by paying a fee of \$40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian of the vehicle 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, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(8) The secured party may contest the reasonableness of the towing fees and daily storage fees and request a hearing in the same manner and subject to the same requirements as the owner of the vehicle under subsection (6). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (6), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (6). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court may award reasonable attorney fees to the custodian of the vehicle.

(9) If the owner does not redeem the vehicle or request a hearing within 10 days after the date of the notice described in subsection (5)(c), the secured party may obtain the release of the vehicle by paying a \$40.00 fee plus the accrued charges to the custodian of the vehicle. The custodian of the vehicle shall forward \$25.00 of the fee to the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(10) If a vehicle has remained on private property without the consent of the property owner, the owner of the private property may have the vehicle taken into custody as an abandoned vehicle by contacting a local towing agency. A local towing agency is considered 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 vehicle.

(11) Before removing the vehicle from private property, the towing agency shall provide notice by telephone, or otherwise, to a police agency having jurisdiction over the vehicle that the vehicle is being removed. Within 24 hours after receipt of the notice from the towing agency, the police agency shall determine if the vehicle has been reported stolen and enter the vehicle into the law enforcement information network as an abandoned vehicle. Verification by the police agency of compliance with this section is not necessary and is not a predicate to the entrance of the vehicle into the law enforcement information network.

(12) Within 24 hours after taking the abandoned vehicle into custody, the police agency shall notify the secretary of state through the law enforcement information network that the vehicle has been taken into custody as abandoned. Each notification shall contain the following information:

- (a) The year, make, and vehicle identification number of the vehicle if available.
- (b) The address or approximate location from which the vehicle was taken into custody.
- (c) The date on which the vehicle was taken into custody.
- (d) The date the vehicle is being entered into the law enforcement information network and whether the information is being entered within 24 hours after the vehicle was taken into custody.
- (e) The name and address of the police agency that had the vehicle taken into custody.
- (f) The name and business address of the custodian of the vehicle.
- (g) The name of the court that has jurisdiction over the case.

(13) Within 7 days after being notified under subsection(12), the secretary of state shall do both of the following:

(a) Send to the owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle is considered abandoned. The form for the notice shall be furnished by the secretary of state. Each notice form shall contain the following information:

- (i) The year, make, and vehicle identification number of the vehicle if available.
- (ii) The location from which the vehicle was taken into custody.
- (iii) The date on which the vehicle was taken into custody.
- (iv) The name of the towing agency that had the vehicle taken into custody.
- (v) The business address of the custodian of the vehicle.
- (vi) The procedure to redeem the vehicle.
- (vii) The procedure to contest the fact that the vehicle 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 that requests a hearing on the custodian's action.
- (ix) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the sale of the vehicle and the termination of all rights of the owner and the secured party to the vehicle or the proceeds of the sale.

(b) Enter the information described in subdivision (a) on a website maintained by the department for public use in locating vehicles that are removed under this section as abandoned.

(14) The owner may contest the fact that the vehicle is abandoned or, unless the towing fees and daily storage fees are established by contract with the local governmental unit or local law enforcement agency and comply with section 252i, the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice within 20 days after the date of the notice. Subject to subsection (16), if the owner requests a hearing, the matter shall be resolved after a hearing conducted under section 252f. An owner who requests a hearing may obtain release of the vehicle by posting with the court a towing and storage bond in an amount equal to \$40.00 plus the accrued towing and storage fees. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of \$40.00 to the court plus the towing and storage fees instead of posting the towing and storage bond. An owner requesting a hearing but not taking possession of the vehicle shall post with the court a towing and storage bond in an amount equal to \$40.00 plus the accrued towing and storage fees.

(15) Subject to subsection (17), if the owner does not request a hearing, he or she may obtain the release of the vehicle by paying a fee of \$40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward \$25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(16) The secured party may contest the reasonableness of the towing fees and daily storage fees and

request a hearing in the same manner and subject to the same requirements as the owner under subsection (14). If both the owner and the secured party request a hearing to contest the reasonableness of the towing fees and daily storage fees within 20 days after the date of the notice, the court shall dismiss the secured party's petition and proceed with the owner's petition as provided in subsection (14), unless the owner is in default on a contract or agreement with the secured party regarding that vehicle. If the owner is in default on a contract or agreement with the secured party regarding that vehicle, the court shall dismiss the owner's petition and proceed with the secured party's petition in the same manner as provided in subsection (14). If the secured party redeems the vehicle, the owner may only seek damages related to the reasonableness of the towing fees and daily storage fees from the secured party. If the court finds, after a hearing on the reasonableness of the towing fees and daily storage fees, that the owner's or the secured party's challenge was frivolous, the court shall award to the custodian costs, including reasonable attorney fees, against the owner or secured party.

(17) If the owner does not redeem the vehicle or request a hearing within 10 days after the date of the notice, the secured party may obtain the release of the vehicle by paying a fee of \$40.00 and the accrued towing and storage fees to the custodian of the vehicle. The custodian shall forward \$25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(18) Not less than 20 days after the disposition of the hearing described in subsection (6) or, if a hearing is not requested, not less than 20 days after the date of the notice, the police agency if the abandoned vehicle is found on public property, or the custodian of the vehicle if the vehicle is found on private property, shall offer the vehicle for sale at a public sale under section 252g.

(19) The custodian of a vehicle described in this section shall allow the owner of the vehicle or a secured party to inspect the vehicle during regular business hours at the location where the vehicle is being held. The custodian of the vehicle may charge the secured party a fee of not more than \$75.00 to inspect the vehicle or, if the actual cost necessary to allow the inspection is greater than \$75.00, the actual cost necessary to allow the inspection. If the custodian of the vehicle charges the secured party more than \$75.00 as provided in this subsection, the custodian shall provide the secured party with an itemized invoice for the actual costs assessed. The custodian of the vehicle shall allow the owner of the vehicle to inspect the vehicle and retrieve personal property from the vehicle without paying a fee for the first visit. After the first visit by the owner to inspect the vehicle or retrieve personal property from the vehicle as provided in this subsection, the custodian may charge the owner of the vehicle a fee of not more than \$25.00 for each subsequent visit.

(20) If the ownership of a vehicle that is considered abandoned under this section cannot be determined either because of the condition of the vehicle identification numbers or because a check with the records of the secretary of state as described in section 221 or 237 does not reveal ownership, the police agency may sell the vehicle at public sale as provided in section 252g not less than 30 days after public notice of the sale has been published.

(21) The secretary of state shall release a vehicle for disposition under section 252b or 252g within 45 days after the vehicle is entered into the law enforcement information network as an abandoned vehicle.

**History:** Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2000, Act 306, Imd. Eff. Oct. 16, 2000;—Am. 2002, Act 649, Imd. Eff. Dec. 23, 2002;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2015, Act 48, Eff. Sept. 7, 2015;—Am. 2018, Act 347, Eff. Jan. 14, 2019.

**257.252b Registered and unregistered abandoned scrap vehicles; duties of police agency; release of vehicle; certificate of title or certificate of scrapping; release form; retention of records and photographs; taking registered abandoned scrap vehicle into custody; contest by registered owner; hearing; request; obtaining release of vehicle; fee.**

Sec. 252b. (1) As used in this section:

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

(i) Is on public or private property.

(ii) Is 7 or more years old.

(iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.

(iv) Is currently registered or titled in the state of Michigan or displays current year registration plates from another state.

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

(i) Is on public or private property.

(ii) Is 7 or more years old.

(iii) Is apparently inoperable or is extensively damaged, to the extent that the cost of repairing the vehicle

so that it is operational and safe as required by section 683 would exceed the fair market value of that vehicle.

(iv) Is not currently registered in this state and does not display current year registration plates from another state.

(2) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have an unregistered abandoned scrap vehicle taken into custody, in which case the police agency shall do all of the following:

(a) Determine if the vehicle has been reported stolen.

(b) Take 2 photographs of the vehicle.

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

(i) The year, make, and vehicle 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 vehicle is being held.

(d) Within 24 hours after taking the vehicle into custody, enter the vehicle into the law enforcement information network.

(3) Within 24 hours, excluding Saturday, Sunday, and legal holidays, after taking the vehicle into custody, the police agency or the agency's designee shall complete a release form and release the vehicle to the towing service or a used vehicle parts dealer or vehicle scrap metal processor, who shall then transmit that release form to the secretary of state and apply for a certificate of scrapping. Upon receipt of the release form and application, the secretary of state shall issue a certificate of title or a certificate of scrapping.

(4) The release form described in subsection (3) shall be furnished by the secretary of state and shall include a certification executed by the applicable police agency or the agency's designee when the abandoned scrap vehicle is released. The certification shall state that the police agency has complied with all the requirements of subsection (2)(b) and (c).

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

(6) A police agency or the agency's designee or, if the vehicle is on private property, the property owner may have a registered abandoned scrap vehicle taken into custody, in which case the police agency or the towing service shall do all of the following:

(a) Determine if the vehicle has been reported stolen.

(b) Take 2 photographs of the vehicle.

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

(i) The year, make, and vehicle 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 individual's name and title.

(vi) The location where the vehicle is being held.

(d) Within 24 hours after taking the vehicle into custody, cause the vehicle to be entered into the law enforcement information network.

(7) Within 7 days after taking the vehicle into custody, the secretary of state shall send to the last titled owner and secured party, as shown by the records of the secretary of state, by first-class mail or personal service, notice that the vehicle 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 vehicle identification number of the vehicle if available.

(b) The address or approximate location from which the vehicle was taken into custody.

(c) The date on which the vehicle was taken into custody.

(d) The name and address of the police agency that had the vehicle taken into custody. If the vehicle was towed from private property, the notice shall contain the name and address of the custodian of the vehicle.

(e) The business address of the custodian of the vehicle.

(f) The procedure to redeem the vehicle.

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



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

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

(j) A warning that the failure to redeem the vehicle or to request a hearing within 20 days after the date of the notice may result in the termination of all rights of the owner and the secured party to the vehicle.

(8) The registered owner of a registered abandoned scrap vehicle may contest the fact that the vehicle is abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing. A request for a hearing shall be made by filing a petition with the court specified in the notice in subsection (7) 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 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond equal to the \$40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of \$40.00 plus the towing and storage fees to the court instead of posting the towing and storage bond.

(9) If the owner does not request a hearing under subsection (7), he or she may obtain the release of the vehicle by paying a fee of \$40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward \$25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(10) If the owner does not redeem the vehicle or request a hearing within 20 days after the date of the notice described in subsection (7), the secured party may obtain the release of the vehicle by paying a fee of \$40.00 plus the accrued charges to the custodian of the vehicle. The custodian shall forward \$25.00 of the fee collected under this subsection to the secretary of state within 30 days after receipt in a manner prescribed by the secretary of state, who shall deposit the fee into the abandoned vehicle fund created in section 252h.

(11) Not less than 20 days after the disposition of the hearing described in subsection (8), or if a hearing is not requested, not less than 20 days after the date of the notice described in subsection (7), the police agency or the agency's designee shall follow the procedures established in subsections (3) to (5).

**History:** Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1980, Act 398, Eff. Mar. 31, 1981;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 495, Eff. Oct. 1, 2005.

#### **257.252c Repealed. 2005, Act 142, Eff. Oct. 1, 2005.**

**Compiler's note:** The repealed section pertained to removal of vehicle from private property.

#### **257.252d Removal of vehicle from public or private property to place of safekeeping; circumstances; arrival of owner or legally entitled person; duties of police agency; release of vehicle; entry of vehicle as abandoned.**

Sec. 252d. (1) A police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vehicle from public or private property to a place of safekeeping at the expense of the last titled owner of the vehicle in any of the following circumstances:

(a) If the vehicle is in such a condition that the continued operation of the vehicle upon the highway would constitute an immediate hazard to the public.

(b) If the vehicle is parked or standing upon the highway in such a manner as to create an immediate public hazard or an obstruction of traffic.

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

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

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

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

(g) If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner that impedes the movement of another vehicle.

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

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

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

crash.

(2) Unless the vehicle 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 that is legally entitled to possess a vehicle to be towed or removed arrives at the location where the vehicle is located before the actual towing or removal of the vehicle, the vehicle must be disconnected from the tow truck, and the owner or other person that is legally entitled to possess the vehicle may take possession of the vehicle and remove it without interference upon the payment of the reasonable service fee, for which a receipt must be provided.

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

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

(b) Enter the vehicle into the law enforcement information network as an impounded vehicle within 24 hours after ordering the impound of the vehicle. Except as provided in subsection (5), if the vehicle has not been redeemed by the owner within 7 days after the impound, the towing agency shall notify the police agency of that fact and the police agency shall deem the vehicle abandoned. The police agency shall enter the vehicle into the law enforcement information network as abandoned within 24 hours of notification by the towing agency, and follow the procedures set forth in section 252a.

(4) If an impounded vehicle is released before the police agency enters the vehicle into the law enforcement information network as abandoned, the towing agency or custodian shall notify the police agency that authorized the removal within 24 hours of releasing the impounded vehicle.

(5) A vehicle impounded under subsection (1)(d), (e), or (k) must first be released by the police agency that authorized the removal prior to the towing agency or custodian releasing the vehicle to the vehicle owner.

(6) Not less than 20 days but not more than 30 days after a vehicle has been released under subsection (5), the towing agency or custodian shall notify the police agency to enter the vehicle as abandoned and the police agency shall enter the vehicle into the law enforcement information network as abandoned within 24 hours of receiving notice and follow the procedures set forth in section 252a if the impounded vehicle has not been redeemed.

**History:** Add. 1980, Act 249, Imd. Eff. July 28, 1980;—Am. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 1989, Act 89, Eff. Sept. 19, 1989;—Am. 1998, Act 68, Imd. Eff. May 4, 1998;—Am. 2000, Act 76, Eff. Oct. 1, 2000;—Am. 2004, Act 495, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2022, Act 89, Eff. Aug. 24, 2022.

### **257.252e Jurisdiction to determine propriety of police, towing agency or custodian, or private owner action; venue in district court; use of bond to pay towing or storage fees; exclusive remedies.**

Sec. 252e. (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 vehicle under section 252a, 252b(6) to (11), or 252d:

(a) The district court.

(b) A municipal court.

(2) The court specified in the notice prescribed in section 252a(5)(b) or 252b(7) or as provided in section 252d(3)(b) is the court that has territorial jurisdiction at the location from where the vehicle was removed, impounded, or considered 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 release of the vehicle under section 252a, 252b, or 252d must be used to pay the towing and storage fees.

(4) The remedies under sections 252 to 254 are the exclusive remedies for the disposition of abandoned vehicles.

**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. 2022, Act 89, Eff. Aug. 24, 2022.

### **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.

**257.252g Manner of conducting public sale; application of money received; priority; absence of bidders; acquisition of distressed vehicle; application for salvage certificate of title; canceling entry in law enforcement information network; obtaining original bill of sale.**

Sec. 252g. (1) Subject to section 252a(18), a public sale for a vehicle and its contents that has been determined to be abandoned under section 252a or removed under section 252d shall be conducted in the following manner:

(a) It shall be under the control of the police agency. However, a police agency may designate the custodian of the vehicle or a third party to conduct the auction.

(b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or the agency's designee or, if the vehicle is being sold under section 252a(18), the custodian of the vehicle.

(c) Except as otherwise provided in sections 252a(18) and (19) and 252b(7), it shall be held not less than 5 days after public notice of the sale has been published.

(d) Except as otherwise provided in this subdivision, the public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale. The requirements of this subdivision may be satisfied by publishing a notice of the public auction once in a newspaper having a general circulation within the county in which the auction is to occur, if the notice states that the auction is an abandoned vehicle auction, lists the date, time, and location of the auction, and provides a website address where a complete description of each vehicle to be auctioned appears for not less than 5 consecutive days before the date of the auction. As used in this subdivision, "complete description" means a description of the vehicle's model year, manufacturer make, model name, and vehicle identification number.

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

(a) Accrued towing and storage charges. However, if the money received from the public sale does not satisfy the accrued towing and storage charges, the towing company may collect the balance of those unpaid fees from the last titled owner, subject to section 252i.

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

(c) Payment of the \$40.00 abandoned vehicle fee described in section 252f(3)(a).

(d) Any extra money shall be 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 vehicle.

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

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

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

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

(i) Paying the towing and storage charges.

(ii) Applying for title to the vehicle.

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

(4) A person who acquires ownership of a vehicle under subsection (1) or (3) that has been designated as a distressed vehicle shall apply for a salvage certificate of title within 15 days after obtaining the vehicle.

(5) Upon disposition of the vehicle, 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 vehicle'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.

(6) Not less than 25 days after the date of notice required under section 252a, if the police agency does not provide a copy of the bill of sale by the police agency for the abandoned vehicle 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.

**History:** Add. 1981, Act 104, Eff. Oct. 1, 1981;—Am. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009;—Am. 2012, Act 498, Eff. Mar. 28, 2013;—Am. 2018, Act 347, Eff. Jan. 14, 2019.

#### **257.252h Abandoned vehicle fund; creation; sources of funding; investment; interest and earnings; money remaining in fund; expenditures.**

Sec. 252h. (1) The abandoned vehicle 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 expend money from the fund, upon appropriation, to administer the provisions of this act relating to abandoned vehicles.

**History:** Add. 2004, Act 495, Eff. Oct. 1, 2005.

#### **257.252i Towing and storage fees.**

Sec. 252i. (1) A towing service, custodian of a vehicle, or both, shall not be precluded from the recovery of towing fees or, subject to subsection (2), storage fees from the last titled owner of a vehicle deemed abandoned under section 252a or section 252b, or removed under section 252d.

(2) If a vehicle is released for disposition under section 252b or section 252g, the amount of storage fees that may be collected is whichever 1 of the following is the least amount:

(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 vehicle.

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

(c) \$1,000.00.

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

**History:** Add. 2004, Act 493, Eff. Oct. 1, 2005.

#### **257.252j Abandoned vehicles; number and placement of vehicles on private property.**

Sec. 252j. Sections 252a and 252b do not apply to a vehicle that is owned by the same person who owns the private real property on which the vehicle is located and do not prohibit or preempt a local unit of government from regulating the number and placement of vehicles on private property.

**History:** Add. 2004, Act 493, Eff. Oct. 1, 2005.

#### **257.252k Towing or removing vehicle without owner's consent; notice; requirements.**

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

(a) The notice shall 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) The notice clearly indicates in letters not less than 2 inches high on a contrasting background that unauthorized vehicles will be towed away at the owner's expense.

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

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

removed.

**History:** Add. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

#### **257.252/ Applicability of MCL 257.252k.**

Sec. 252l. Section 252k 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) An instance when notice is personally given to the owner or other legally entitled person in control of a vehicle that the area where the vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and that the vehicle is subject to towing or removal from the private real property without the consent of the owner or other legally entitled person in control of the vehicle.
- (c) A vehicle removed from private property under section 252d.

**History:** Add. 2004, Act 493, Eff. Oct. 1, 2005;—Am. 2008, Act 539, Imd. Eff. Jan. 13, 2009.

#### **257.252m Notification of civil fines and sanctions.**

Sec. 252m. For a period of 1 year beginning on the effective date of the amendatory act that added this section, the secretary of state shall insert notification of the civil fines and sanctions that may be imposed for the violation of sections 240 and 252a(1) into all mailings concerning motor vehicle registration renewal notices and new vehicle title documents.

**History:** Add. 2004, Act 493, Eff. Oct. 1, 2005.

#### **257.253 Report of stolen vehicle; filing; transferring certificate of title; record of stolen or abandoned vehicles not reported or recovered; availability; reports by other states of stolen and recovered vehicles; abandoned vehicle; notification of owner and lienholder.**

Sec. 253. (1) The secretary of state, upon receiving a report of a stolen vehicle, shall file the report with the records of the secretary of state and shall not transfer the certificate of title of the vehicle to a person other than the owner's insurance company until officially notified that the vehicle has been recovered.

(2) The secretary of state shall maintain a record of all vehicles stolen or abandoned that have not been reported as recovered and make the record available to every sheriff, the director of the department of state police, and all police departments. The record shall also be made available to proper officials in every state.

(3) It shall be the duty of the secretary of state to file reports of stolen and recovered motor vehicles reported by other states.

(4) In the case of abandoned vehicles, the secretary of state shall check the sheriff's report immediately with the stolen car report file and notify the owner, and the last known lienholder, if any, as shown by the record, by registered mail, that the car is now an abandoned car and held in custody by the officer.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1980, Act 460, Imd. Eff. Jan. 15, 1981.

#### **257.254 False statement in application for certificate of title or in assignment of title; possession of stolen vehicle; penalties.**

Sec. 254. Any person who shall knowingly make any false statement of a material fact, either in his or her application for the certificate of title required by this act, or in any assignment of that title, or who, with intent to procure or pass title to a motor vehicle which he or she knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his or her possession any vehicle which he or she knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his or her duty as such officer, is guilty of a felony, punishable by a fine of not more than \$5,000.00, or by imprisonment for not more than 10 years, or both. This provision shall not be exclusive of any other penalties prescribed by any law for the larceny of the unauthorized taking of a vehicle.

**History:** 1949, Act 300, Eff. Sept. 23, 1949;—Am. 1990, Act 98, Eff. Jan. 1, 1991.

**Constitutionality:** The language of this section “or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at that time in the performance of his duty as such officer” must necessarily be treated as either surplusage or deemed inconsistent with the intent of MCL 257.1 et seq. and deleted from it. People v. Morton, 384 Mich 38; 179 NW2d 379 (1970).