

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)
Act 451 of 1994

324.80130g Definitions; unregistered abandoned scrap vessel; custody; duties of police agency; release of vessel to towing service; certificate of scrapping; retention of records; abandonment of vessel on private property; notice of abandoned vessel; request for hearing by owner to contest abandonment; redemption of vessel.

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).

History: Add. 2014, Act 549, Eff. Apr. 16, 2015.

Popular name: Act 451

Popular name: Marine Safety Act

Popular name: NREPA