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Senate Bill 961 (as enrolled)
Sponsor: Senator Bill Bullard, Jr.
Senate Committee: Transportation and Tourism
House Committee: Transportation

PUBLIC ACT 306 of 2000

Date Completed: 1-29-01

RATIONALE

Under the Michigan Vehicle Code, if a vehicle has remained on public or private property for a period of time so that it appears to a police agency that the vehicle is abandoned, the police must determine if the vehicle has been reported stolen and put a written notice on the vehicle. The notice must contain certain information, including 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. If the vehicle is not removed within 48 hours after the date the notice was left on the vehicle, it is considered abandoned and the police agency may have the vehicle taken into custody. Apparently, there have been problems with abandoned vehicles and the length of time that they are parked on the shoulders of highways. Abandoned vehicles left on the sides of roadways can distract drivers, contribute to traffic congestion, and potentially cause serious accidents. Some people suggested that the amount of time an abandoned vehicle is permitted to remain beside a State highway before it is removed be reduced so that highways can be cleared faster of these traffic hazards.

CONTENT

The bill amended the Michigan Vehicle Code to establish a 24-hour deadline for the removal of abandoned vehicles from a State trunk line highway; require a study to be conducted on the impact of this time limit; and, establish a normal length maximum of a single bus that may be operated on a highway in the State.

Abandoned Vehicle

The bill provides that, in the case of a State trunk line highway, if an abandoned vehicle is not removed within 24 hours after the date a notice was affixed to the vehicle, the vehicle is considered abandoned and may be taken into custody.

The bill requires the Southeast Michigan Council of Governments (SEMCOG) to conduct a Statewide

study in cooperation with the Michigan Department of Transportation (MDOT) and the Department of State Police to evaluate the impact on the change from 48 hours to 24 hours, as described above. The study must be completed and returned to the chairpersons of the Senate and House standing committees that consider transportation and traffic-related issues within 12 months after the bill's effective date (i.e., by October 16, 2001). The study must be based on the number of vehicles being towed, the value of the vehicle, the number of vehicles sold at public sale, and the number of owners who request a hearing and the outcome of that hearing. The Senate and House standing committees and SEMCOG, MDOT, and the State Police are required to review the study and determine if it is feasible for the time a vehicle remains on a State trunk line highway before it is determined abandoned on a State trunk line highway, to be reduced from 24 hours to 12 hours.

The bill also revised the definition of "abandoned vehicle" to include a vehicle that has remained on a State trunk line highway for a period of 24 hours, after a police agency or other governmental agency designated by the policy agency has affixed a written notice to the vehicle. ("Abandoned vehicle" also means a vehicle that has remained on public or private property for a period of 48 hours after the written notice has been affixed.)

Vehicle Length

The Code establishes a normal length maximum for vehicles operated on a highway in the State, and prohibits single vehicles and combinations of vehicles in excess of these limits from being operated on a State highway. Under the bill, the normal length maximum for any single bus is 45 feet. In addition, the bill increased from 65 feet to 75 feet the length of more than one vehicle, wholly or partially assembled, in combination, using one tow bar or three saddle mounts with full mount mechanisms and using the motive power of one of the vehicles in combination.

The bill also deleted the definition of “articulated buses”.

MCL 257.252a & 257.719

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Vehicles abandoned on the side of roads increase traffic congestion, slow the flow of traffic, and reduce the safety of traveling on the State’s highways, in both urban and rural areas. According to Department of Transportation officials, highways shoulders provide a “recovery zone” where motorists can steer their disabled vehicles or drive to avoid a hazard in the road. When abandoned vehicles are parked in these areas for long periods of time, the effectiveness of highway shoulders’ serving as recovery zones is diminished. The safe flow of traffic along roadways also is reduced as drivers slow down and gawk at a vehicle or veer into another lane to avoid it. Drivers of large trucks are particularly concerned because of the limited amount of space between a truck traveling in the lane adjacent to the shoulder and an abandoned vehicle. In addition, abandoned vehicles can make it difficult for emergency services to reach accidents. Some maintenance workers also have difficulty clearing roads of snow because of the vehicles parked on shoulders.

While drivers should be given time to have a disabled vehicle repaired or moved to another location, allowing a vehicle to remain on the side of a road for 48 hours after police attach a removal notice has a negative impact on the safety of Michigan’s roads. Reducing the length of time that an abandoned vehicle may remain on the side of a highway will reduce traffic congestion, increase traffic capacity, and improve driving safety.

Supporting Argument

Some states, such as Illinois, remove vehicles as soon as two hours after police record a vehicle as being left on the side of a road, according to the Michigan Department of Transportation. While the bill reduces the amount of time that a vehicle may be parked on the side of a road before it is removed, it still provides ample time for motorists to have a vehicle removed or repaired.

Response: Other states and localities permit more time to elapse before a vehicle is removed, according to information from MDOT. For example, Indiana permits vehicles to remain for 72 hours along the state’s roads, except for certain portions of I-94 and I-65 in the northern part of the state. Highly urbanized areas, such as Washington, D.C. and Dallas, Texas, reportedly provide a 72-hour period. Many motorists may need more than 24 hours to obtain repair service for their disabled vehicles.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill will have a negligible fiscal impact on State and local government. It is assumed that the study required under the bill can be completed with the existing resources of the State Departments of Transportation and State Police and the Southeast Michigan Council of Governments.

Fiscal Analyst: B. Baker

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.