

HOUSE BILL No. 4933

June 12, 2001, Introduced by Reps. Lipsey, Rivet, McConico, Rich Brown, Adamini, Bovin, Waters, Sheltroun, Schauer, Patterson, Kolb, Bogardus, Howell, Gielegthem, Murphy, Thomas, Bernero, Jacobs, Godchaux and Scranton and referred to the Committee on Criminal Justice.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 252d (MCL 257.252d), as amended by 2000
PA 76.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

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

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

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

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

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

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

16 (h) If the vehicle is stopped, standing, or parked in a
17 space designated as parking for persons with disabilities and is
18 not permitted by law to be stopped, standing, or parked in a
19 space designated as parking for persons with disabilities.

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

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

25 (2) A police agency which authorizes the removal of a vehi-
26 cle under subsection (1) shall do all of the following:

1 (a) Check to determine if the vehicle has been reported
2 stolen.

3 (b) Within 24 hours after removing the vehicle, enter the
4 vehicle into the law enforcement information network if the vehi-
5 cle has not been redeemed. This subdivision does not apply to a
6 vehicle that is removed from the scene of a motor vehicle traffic
7 accident.

8 (c) If the vehicle has not been redeemed within 10 days
9 after moving the vehicle, send to the registered owner and the
10 secured party as shown by the records of the secretary of state,
11 by first-class mail or personal service, a notice that the vehi-
12 cle has been removed; however, if the police agency informs the
13 owner or operator of the vehicle of the removal and the location
14 of the vehicle within 24 hours after the removal, and if the
15 vehicle has not been redeemed within 30 days and upon complaint
16 from the towing service, the police agency shall send the notice
17 within 30 days after the removal. The notice shall be by a form
18 furnished by the secretary of state. The notice form shall con-
19 tain the following information:

20 (i) The year, make, and vehicle identification number of the
21 vehicle.

22 (ii) The location from which the vehicle was taken into
23 custody.

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

25 (iv) The name and address of the police agency which had the
26 vehicle taken into custody.

1 (v) The location where the vehicle is being held.

2 (vi) The procedure to redeem the vehicle.

3 (vii) The procedure to contest the fact that the vehicle was
4 properly removed or the reasonableness of the towing and daily
5 storage fees.

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

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

14 (3) A LIEN DOES NOT ATTACH TO A VEHICLE REMOVED TO A PLACE
15 OF SAFEKEEPING UNDER THE CIRCUMSTANCES DESCRIBED IN
16 SUBSECTION (1)(D) AND (E) IF THE VEHICLE'S OWNER IS NOT THE PER-
17 PETRATOR OF THE CRIME.

18 (4) ~~-(3)-~~ The registered owner may contest the fact that the
19 vehicle was properly removed or the reasonableness of the towing
20 fees and daily storage fees by requesting a hearing. A request
21 for a hearing shall be made by filing a petition with the court
22 specified in the notice within 20 days after the date of the
23 notice. If the owner requests a hearing, the matter shall be
24 resolved after a hearing conducted pursuant to sections 252e and
25 252f. An owner who requests a hearing may obtain release of the
26 vehicle by posting a towing and storage bond with the court in an
27 amount equal to the accrued towing and storage fees. The owner

1 of a vehicle who requests a hearing may obtain release of the
2 vehicle by paying the towing and storage fees instead of posting
3 the towing and storage bond. If the court finds that the vehicle
4 was not properly removed, the police agency shall reimburse the
5 owner of the vehicle for the accrued towing and storage fees.

6 (5) ~~-(4)-~~ If the owner does not request a hearing, he or she
7 may obtain the release of the vehicle by paying the accrued
8 charges to the custodian of the vehicle.

9 (6) ~~-(5)-~~ If the owner does not redeem the vehicle or
10 request a hearing within 20 days, the secured party may obtain
11 the release of the vehicle by paying the accrued charges to the
12 custodian of the vehicle prior to the date of the sale.

13 (7) ~~-(6)-~~ Not less than 20 days after the disposition of the
14 hearing described in subsection (3), or if a hearing is not
15 requested, not less than 20 days after the date of the notice
16 described in subsection (2)(c), the police agency shall offer the
17 vehicle for sale at a public sale unless the vehicle is
18 redeemed. The public sale shall be held pursuant to
19 section 252g.

20 (8) ~~-(7)-~~ If the ownership of a vehicle that was removed
21 under this section cannot be determined either because of the
22 condition of the vehicle identification numbers or because a
23 check with the records of the secretary of state does not reveal
24 ownership, the police agency may sell the vehicle at public sale
25 pursuant to section 252g, not less than 30 days after public
26 notice of the sale has been published.