

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

324.80130f Abandonment of vessel prohibited; presumption; violation; civil infraction; "abandoned vessel" defined; determination that vessel not stolen; duties of police agency; notice of abandoned vessel; duties of secretary of state; request for hearing by owner to contest abandonment; redemption of vessel; abandonment of vessel on private property without owner consent; offer of vessel for public sale.

Sec. 80130f.

(1) A person shall not abandon a vessel in this state. It is presumed that the last titled owner or, if there is no titled owner, the last registered owner of the vessel is responsible for abandoning the vessel unless the person provides a record of the transfer of the vessel to another person. For the purposes of this subsection, the record of transfer must be either a photocopy of the reassigned title or reassigned registration or a form or document that includes the transferee's name, address, driver license number, and signature, the date of transfer of the vessel, and, if applicable, the sale price. A person who violates this subsection and who fails to redeem the vessel before disposition of the vessel under section 80130k is responsible for a state civil infraction as provided in section 8905a.

(2) As used in this section through section 80130p, "abandoned vessel" means any of the following:

(a) A vessel that is on private property without the consent of the property owner.

(b) A vessel that has remained on public property that is not a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, for a period of 48 hours or more without the permission of the governmental unit with custody of the property.

(c) A vessel that meets all of the following requirements:

(i) Is stationary on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651.

(ii) Is not on a motor vehicle or trailer as described under subdivision (d)(i).

(iii) Is not under the immediate custody of the owner or owner's agent.

(d) A vessel on a motor vehicle or trailer if the motor vehicle or trailer meets all of the following requirements:

(i) Displays a valid registration plate under the Michigan vehicle code, 1949 PA 300, MCL 257.1 to 257.923.

(ii) Has remained parked on a state trunk line highway as described in section 1 of 1951 PA 51, MCL 247.651, for a period of 18 hours or more.

(iii) Is not under the immediate custody of the owner of the vessel, motor vehicle, or trailer or the owner's agent.

(3) If a vessel qualifies as abandoned under subsection (2)(b) or (c), a police agency having jurisdiction over the vessel or the agency's designee shall determine whether the vessel has been reported stolen and, if the vessel has not been reported stolen, may have a towing agency take the vessel into custody.

(4) A police agency that has a vessel taken into custody under subsection (3) or that receives notice of a vessel taken into custody under subsection (10) shall do all of the following:

(a) Recheck to determine if the vessel taken into custody under subsection (3) or check if the vessel taken into custody under subsection (10) has been reported stolen.

(b) If the vessel has not been reported stolen, within 24 hours after the vessel is taken into custody, enter the vessel in the law enforcement information network as an abandoned vessel and notify the secretary of state through the law enforcement information network that the vessel has been taken into custody as abandoned. The notification shall contain all of the following information:

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

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

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

(iv) The name and address of the police agency.

(v) The name and business address of the custodian of the vessel.

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

(5) Within 7 days after receiving notice under subsection (4)(b) that a vessel has been taken into custody as abandoned, the secretary of state shall do both of the following:

(a) Send to the last titled owner and secured party, as shown by the records of the secretary of state, or, if there is no titled owner, to the last registered owner, by first-class mail or personal service, notice that the vessel is considered abandoned. Each notice form shall contain all of the following information:

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

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

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

(iv) The name and address of the police agency that had the vessel taken into custody under subsection (3) or received notice of a vessel taken into custody under subsection (10).

(v) The name and business address of the custodian of the vessel.

(vi) The procedure to redeem the vessel.

(vii) The procedure to contest the fact that the vessel 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 having jurisdiction to request a hearing on the validity of the grounds for taking custody of the vessel.

(ix) 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 to the proceeds of the sale terminated.

(b) Enter the information described in subdivision (a) on a website maintained by the secretary of state for public use in locating vessels that are taken into custody under this section as abandoned. The secretary of state shall maintain the data on the website for 1 year or until the vessel is disposed of under this part, whichever occurs first.

(6) To contest whether the vessel is abandoned 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 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 (5) within 20 days after the date of the notice under subsection (5). 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 be equal to \$40.00 plus the accrued towing and storage fees.

(7) If the owner does not request a hearing under subsection (6), he or she may redeem the vessel by paying a fee of \$40.00 and the accrued towing and storage fees to the custodian of the vessel. The custodian of the vessel 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. The secretary of state shall deposit the \$25.00 into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

(8) If the owner does not redeem the vessel or request a hearing within 20 days after the date of the notice under subsection (5)(a), the secured party may redeem the vessel by paying a \$40.00 fee plus the accrued charges to the custodian of the vessel. The custodian of the vessel 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. The secretary of state shall deposit that portion of the fee into the abandoned vessel, ORV, and snowmobile fund created in section 80130l.

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

(10) Before removing the vessel from private property, the towing agency contacted under subsection (9) shall provide reasonable notice by telephone, or otherwise, to a police agency having jurisdiction over the vessel that the vessel is being removed. The police agency shall determine if the vessel has been reported stolen, and if the vessel has not been reported stolen, comply with subsection (4)(b). Verification by the police agency of compliance with this section is not necessary and is not a predicate to entering the vessel in the law enforcement information network. Subsections (5) to (8) apply to a vessel removed from private property.

(11) Not less than 20 days after a determination that the vessel is abandoned in a hearing under subsection (6) or, if a hearing is not requested, not less than 20 days after the date of the notice, the following shall offer the vessel for sale at a public sale under section 80130k:

(a) The police agency, if the abandoned vessel is found on public property.

(b) The custodian of the vessel, if the vessel is found on private property.

(12) If the ownership of a vessel that is considered abandoned under this section cannot be determined either because of the condition of the vessel identification numbers or because a check with the records of the secretary of state as described in section 80310 does not reveal ownership, the police agency may sell the vessel at public sale as provided in section 80130k not less than 30 days after public notice of the sale has been published.

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