

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

***** 324.80130h.added THIS ADDED SECTION IS EFFECTIVE APRIL 16, 2015 *****

324.80130h.added Determination that vessel not stolen; immediate removal from public or private property; arrival of owner before towing or removal; entering vessel in law enforcement information network as abandoned; release of vessel to owner; authorization required; notice.

Sec. 80130h. (1) After determining under subsection (3) that a vessel has not been reported stolen, a police agency or a governmental agency designated by the police agency may provide for the immediate removal of a vessel from public or private property to a place of safekeeping at the expense of the last titled owner or, if there is no titled owner, the last registered owner of the vessel in any of the following circumstances:

(a) The vessel is in such a condition that the operation of the vessel would constitute an immediate hazard to the public.

(b) The vessel is parked or standing upon a highway, road, or street in a manner that creates an immediate public hazard or an obstruction of traffic.

(c) The vessel is parked in a posted tow-away zone.

(d) There is reasonable cause to believe that the vessel or any part of the vessel is stolen.

(e) The vessel must be seized to preserve evidence of a crime or because there is reasonable cause to believe that the vessel was used in the commission of a crime.

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

(g) The vessel is interfering with the owner's or owner's agent's use of private property or is parked in a manner that impedes the movement of another vessel or vehicle.

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

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

(k) The vessel has been involved in a crash and cannot be safely operated to remove it from the scene of the crash.

(l) The vessel is submerged in, partially submerged in, or floating unanchored or untethered upon a public waterway.

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

(3) Before authorizing the removal of a vessel under subsection (1), a police agency shall check to determine if the vessel has been reported stolen. Except for vessels removed under subsection (1)(d), (e), or (k), the police agency shall enter the vessel in the law enforcement information network as abandoned not less than 7 days after authorizing the removal and the procedures set forth in section 80130f apply.

(4) The towing agency or custodian shall not release to the vessel owner a vessel removed under subsection (1)(d), (e), or (k) unless the release has been authorized by the police agency that authorized the removal.

(5) Not less than 20 days but not more than 30 days after a vessel has been released by the police agency under subsection (4), the towing agency or custodian shall notify the police agency to enter the vessel in the law enforcement information network as abandoned and the police agency shall follow the procedures set forth in section 80130f if the impounded vessel has not been redeemed.

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

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