

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

324.80130j Filing of petition by owner of vessel; duties of court; burden of showing compliance with act; decision of court.

Sec. 80130j. (1) Upon the filing of a petition prescribed in section 80130f or 80130g, signed by the owner of the vessel that has been taken into custody, the court shall do both of the following:

(a) Schedule a hearing within 30 days for the purpose of determining whether the police agency, towing agency or custodian, or private property owner acted in accordance with this part.

(b) Notify the owner, towing agency or custodian, police agency, and, if the vessel was removed from private property, the private property owner of the time and place of the hearing.

(2) At the hearing specified in subsection (1), the police agency, towing agency or custodian, and, if the vessel was removed from private property, the private property owner have the burden of showing by a preponderance of the evidence that they have complied with the requirements of this act in reporting or processing the abandoned vessel or vessel removed under section 80130h.

(3) After the hearing, the court shall make a decision that includes 1 or more of the following:

(a) A finding that the police agency complied with the procedures established for the processing of an abandoned vessel or a vessel removed under section 80130f, 80130g, or 80130h, and an order providing a period of 20 days after the decision for the owner to redeem the vessel. If the owner does not redeem the vessel within 20 days, the police agency shall dispose of the vessel under section 80130g or 80130k. Within 30 days after the court's decision, the court shall forward \$25.00 of the fee collected under section 80130g or 80130k to the secretary of state in a manner prescribed by the secretary of state. The towing and storage fees and \$15.00 of the fee collected under section 80130g or 80130k shall be forwarded to the towing agency.

(b) A finding that the police agency did not comply with the procedures established for the processing of an abandoned vessel or a vessel removed under section 80130f, 80130g, or 80130h and directing all of the following:

(i) That the vessel immediately be released to the owner.

(ii) That the police agency is responsible for the accrued towing and storage charges.

(iii) That any fee or bond posted by the owner be returned.

(c) A finding that the towing fees and daily storage fees were reasonable.

(d) A finding that the towing fees and daily storage fees were unreasonable and directing the towing agency or custodian of the vessel to provide the last titled owner or, if there is no titled owner, the last registered owner of the vessel with an appropriate reduction or refund.

(e) A finding that the owner of the real property complied with section 80130o, if applicable.

(f) A finding that the owner of the real property did not comply with section 80130o, if applicable, and an order requiring the owner of the real property to reimburse the last titled owner of the vessel for the accrued towing and storage charges.

(g) A finding that the towing agency did not comply with the procedures established for the proper removal and reporting of a vessel removed under section 80130f, 80130g, or 80130h and an order directing all of the following:

(i) That the vessel immediately be released to the owner.

(ii) That the towing agency is responsible for the accrued towing and storage charges.

(iii) That any fee or bond posted by the owner be returned.

(h) A finding that the towing agency did comply with the procedures established for the proper removal and reporting of a vessel removed under section 80130f, 80130g, or 80130h.

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

Popular name: Act 451

Popular name: Marine Safety Act

Popular name: NREPA