



STATE OF MICHIGAN
TERRI LYNN LAND, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

MEMORANDUM

DATE: October 20, 2009

TO: District and Municipal Court Judges, Court Administrators and Clerks of the Court

FROM: Cherie Price, Vehicle Update Unit, Michigan Department of State

SUBJECT: Abandoned Vehicle

The Michigan Department of State is requesting your assistance with ensuring compliance with changes required for owners of abandoned vehicles seeking to petition the court for relief under Public Act 539 of 2008. Prior to the enactment of Public Act 539 (effective January 13, 2009), an owner of an abandoned vehicle could contest the fact that their vehicle was considered abandoned or the reasonableness of the towing and/or daily storage fees by requesting a hearing and posting a bond with the court equal to \$40.00 (plus the \$65 court filing fee).

Public Act 539 now requires the petitioner to post a bond with the court equal to \$40.00 **plus the amount of the accrued towing and storage fees** (plus the \$65 court filing fee) whether or not the owner is seeking release of the vehicle.

The petitioner requesting a hearing must either post the bond with the court or show proof that the above stated fees have been paid to the custodian in charge of the vehicle before petitioning the court. Below is the excerpt from Public Act 539:

MCL 257.252(a)(6) states: The owner may contest the fact that the vehicle is considered abandoned or the reasonableness of the towing fees and daily storage fees by requesting a hearing and posting a bond equal to \$40.00 plus the amount of the accrued towing and storage fees. A request for a hearing shall be made by filing a petition with the court specified in the notice described in subsection (5)(c) within 20 days after the date of the notice. If the owner requests a hearing, the matter shall be resolved after a hearing conducted under sections 252e and 252f. An owner who requests a hearing may obtain release of the vehicle by posting a towing and storage bond in an amount equal to the \$40.00 plus the accrued towing and storage fees with the court. The owner of a vehicle who requests a hearing may obtain release of the vehicle by paying a fee of \$40.00 to the court and the accrued towing and storage fees instead of posting the towing and storage bond.

Thank you for your assistance with this matter. If you have additional questions please feel free to contact Cherie Price at (517) 636-5234 or your Department of State Court Liaison.