



# SANILAC COUNTY SHERIFF'S OFFICE

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## ABANDONED VEHICLE / VESSEL L.E.I.N. / S.O.S. ENTRY REPORT

Date of Abandoned Vehicle Entry Report

### **VEHICLE / VESSEL INFORMATION:**

Year                      Make    Vehicle/Hull/Serial Identification Number

Model                      Body Style                      Plate/MC  
Number                      State                      Color

Date Towed/Taken into  
Custody

Time Towed/Taken  
into Custody

Original Reason for Tow/Vehicle Removal

Location Towed from

### **TOWING COMPANY/CUSTODIAN/POLICE AGENCY DESIGNEE INFORMATION:**

Name of Towing Company/Custodian/Police Agency Designee who removed/towed or seized vehicle:

Street Address    City    State    Zip Code

Telephone Number    Name of Towing Company Representative

### ***\*\*LAW ENFORCEMENT AGENCY INFORMATION BELOW ONLY\*\****

Complaint Number                      Deputy Taking Report Request                      Badge No.

Date Entered Into LEIN

Time Entered

Entered into LEIN by (Employee/Dispatcher Name)

## **TOWING COMPANY / VEHICLE CUSTODIANS - QUESTIONS AND ANSWERS:**

### **Q: What is my role as the custodian of the vehicle or vessel?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

You are responsible for contacting the law enforcement agency with jurisdiction in the area where the vehicle or vessel is located for authorization before moving the vehicle or vessel. This action is required because some abandoned vehicles or vessels were actually stolen or used in a crime. You are responsible for reporting the disposition of the vehicle or vessel to the law enforcement agency that has jurisdiction over the site from which the vehicle or vessel was removed as well as entering the vehicle's disposition on the Michigan Auto Lost & Found Website. Please see Setting up an Electronic Funds Account. You are also responsible for collecting the \$40 abandoned fee if you sell the vehicle or vessel or the owner redeems it, and for forwarding \$25 of that fee to the Michigan Department of State. If the purchase price of an abandoned vehicle or vessel sold at public auction does not cover towing and storage, police agency or custodian expenses and the \$40 abandoned vehicle fee, please do not remit the \$25. When a custodian is reporting the disposition of such a vehicle online, please select "transferred to custodian" and not "sold." The "sold" option should only be used when the purchase price of the vehicle covers all costs - allowing you to remit the \$25. You may have additional responsibilities based on your relationship with, and the expectations of, the law enforcement agency in the area. Some municipalities may also require you to collect additional fees.

### **Q: What do I have to do if I get a call from a private property owner to remove a vehicle or vessel from private real property?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

If the abandoned vehicle or vessel is on private property, the towing agency must provide reasonable notice by telephone, or otherwise to the law enforcement agency with jurisdiction over the abandoned vehicle or vessel. If the vehicle or vessel is on other private real property, such as an apartment complex or private lot, you may also wish to check that the required signage has been posted before contacting law enforcement or removing the vehicle or vessel. There are specific signage requirements under section 257.252k and 80130o 2014 PA 549, each apartment complex or private real property owner that has a vehicle or vessel removed must have a warning sign posted stating that unauthorized vehicles or vessels will be removed at the owner's expense. The notice must include the name and telephone number of the towing agency that will remove vehicles or vessels from that property and be in letters at least two inches high on a contrasting background. Notices must be permanently installed with the bottom of the notice at least four feet from the ground and prominently displayed at each point of entry for vehicles or vessels. If the property does not have curbs or access barriers, there must be at least one notice for every 100 feet of road frontage. The notice must be in place at least 24 hours before vehicles or vessels can be removed from the property. Private real properties that are single- or dual-family residences are exempt from the notice requirements, as well as vehicles impounded or removed under MCL 257.252d or vessels impounded or removed under 80130h. For the purposes of this section, the sign required may use the term vehicle as opposed to vessel 80130o(2), 81151, and 82161 2014 PA 549.

### **Q: Does law enforcement have to come before I remove the vehicle or vessel or can I just give law enforcement the VIN, HIN or serial number?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

If the abandoned vehicle or vessel is on public property the law enforcement agency with jurisdiction over the vehicle or vessel will arrange for the removal. If the abandoned vehicle or vessel is on private property, the towing agency must provide reasonable notice by telephone or other means to the law enforcement agency with jurisdiction over the abandoned vehicle or vessel. In some instances, law enforcement may arrange for removal from private property (for violation of a local ordinance or state law, vehicle or vessel is believed to be stolen, vehicle or vessel is blocking property entrance, etc.).

### **Q: How much can I charge for storage, and what are considered "customary fees"?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

Neither Michigan law nor the Secretary of State set the storage and customary fees. If the owner of an abandoned vehicle or vessel requests a hearing on the reasonableness of the fees, a court will decide if they are reasonable and customary. Your charges must include the \$40 Abandoned Fee, and some municipalities require additional fees.

### **Q: What are the requirements to hold a public auction?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

You should discuss the matter with the police agency that authorized the removal of the vehicle or vessel, as they may have additional requirements. Michigan Compiled Law 257.252g or 80130k, 81151, and 82161 2014 PA 549 outlines the minimal requirements for conducting a public auction. You may also seek advice from an attorney.

### **Q: How do I report the disposition of a vehicle or vessel in my custody?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

You must report the disposition of the vehicle or vessel in a timely manner to the law enforcement agency that authorized the vehicle or vessel's removal. If you have an agreement with the law enforcement agency, you must comply with that agreement. You must also report the disposition on Michigan's Abandoned Vehicle Website. To become an EFT custodian please click on Setting up an Electronic Funds Transfer Account.

## **LAW ENFORCEMENT QUESTIONS AND ANSWERS:**

**Q: If an owner does not claim a vehicle or vessel that was removed as a result of a crash, or if it was stolen or seized to preserve evidence of a crime, when is the vehicle or vessel considered abandoned?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

If an owner has not redeemed a vehicle or vessel that was removed as a result of a crash, or was stolen or seized to preserve evidence of a crime within 20 days after it has been released by law enforcement it is considered abandoned. The custodian must report the vehicle or vessel's abandoned status between 20 and 30 days from the date released by law enforcement. All other vehicles or vessels impounded under MCL 257.252d or 80130h, 81151, and 82161 2014 PA 549 are considered abandoned if not redeemed by the owner within seven days. Vehicles or vessels removed under MCL 257.252a or 80130f, 81151, and 82161 2014 PA 549 are required to be entered into LEIN within 24 hours.

**Q: Which law enforcement agency has jurisdiction if a vehicle or vessel was removed from one jurisdiction and towed to another?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

The jurisdiction of the law enforcement agency from which the vehicle or vessel was towed has jurisdiction.

**Q: Can unclaimed vehicles or vessels that are left in tow yards be considered abandoned?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

Yes. A vehicle or vessel that is not redeemed by the owner and is left in a tow yard owned by a private enterprise can be considered as "abandoned on private property." As such, it will be treated as any other vehicle or vessel abandoned on private property. Enter the vehicle or vessel into LEIN and the Secretary of State will initiate the abandoned vehicle notification process.

**Q: Are "impounds" required to be entered into LEIN as abandoned within 24 hours?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

No. If an owner has not redeemed a vehicle or vessel that was removed as a result of a crash, or was stolen or seized to preserve evidence of a crime within 20 days after it has been released by law enforcement it is considered abandoned. The custodian must report the vehicle or vessel's abandoned status between 20 and 30 days from the date released by law enforcement. All other vehicles or vessels impounded under MCL 257.252d or 80130h, 81151, and 82161 2014 PA 549 are considered abandoned if not redeemed by the owner within seven days. Vehicles or vessels removed under MCL 257.252a or 80130f, 81151, and 82161 2014 PA 549 are required to be entered into LEIN within 24 hours.

**Q: What are my responsibilities if a towing company calls requesting to remove a vehicle or vessel from private property?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

You are required by law to complete a stolen vehicle or vessel check and within 24 hours of taking the vehicle or vessel into custody, enter the vehicle or vessel reported as abandoned into LEIN. However, since the law enforcement agency may be responsible for towing and storage fees if a court determines the vehicle or vessel was incorrectly deemed abandoned, you may wish to check that all legal requirements under MCL 252a, 252b, 252d or 80130f, 80130g, 80130h, 81151, and 82161 2014 PA 549 are met.

**Q: Who is responsible for overseeing abandoned vehicle or vessel auctions?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

The requirements for disposing of abandoned vehicles or vessels through a public sale are found in MCL 257.252g or 80130k, 81151, and 82161 2014 PA 549. The law enforcement agency is responsible for disposing of the vehicle or vessel, including the public notice, auction, and sale. However, a law enforcement agency may designate the custodian of the vehicle or vessel or a third party to conduct the auction. The responsibility for checking a vehicle or vessel's status to see if it was stolen before it is offered for sale remains with law enforcement.

**Q: When am I required to hold a public sale?**

**A:** Please note: Vehicle includes motor vehicles, ORVs, and snowmobiles. Vessel includes watercraft.

A public sale is required not less than 20 days after the abandoned vehicle or vessel hearing, or if a hearing is not requested, not less than 20 days from the date of the notice.

MICHIGAN VEHICLE CODE (EXCERPT)  
Act 300 of 1949

**257.252g Manner of conducting public sale; application of money received; priority; absence of bidders; acquisition of distressed vehicle; application for salvage certificate of title; canceling entry in law enforcement information network; obtaining original bill of sale.  
Sec. 252g.**

(1) Subject to section 252a(16), a public sale for a vehicle and its contents that has been determined to be abandoned under section 252a or removed under section 252d shall be conducted in the following manner:

(a) It shall be under the control of the police agency. However, a police agency may designate the custodian of the vehicle or a third party to conduct the auction.

(b) It shall be open to the public and consist of open auction bidding or bidding by sealed bids. If sealed bids are received, the person submitting the bid shall receive a receipt for the bid from the police agency or the agency's designee or, if the vehicle is being sold under section 252a(16), the custodian of the vehicle.

(c) Except as otherwise provided in sections 252a(16) and (17) and 252b(7), it shall be held not less than 5 days after public notice of the sale has been published.

(d) The public notice shall be published at least once in a newspaper having a general circulation within the county in which the vehicle was abandoned. The public notice shall give a description of the vehicle for sale and shall state the time, date, and location of the sale.

(2) The money received from the public sale of the vehicle shall be applied in the following order of priority:

(a) Accrued towing and storage charges. However, if the money received from the public sale does not satisfy the accrued towing and storage charges, the towing company may collect the balance of those unpaid fees from the last titled owner, subject to section 252i.

(b) Expenses incurred by the police agency or the custodian of the vehicle.

(c) Payment of the \$40.00 abandoned vehicle fee described in section 252f(3)(a).

(d) Any extra money shall be sent to the department of treasury's unclaimed property division to be disbursed as follows:

(i) To the secured party, if any, in the amount of the debt outstanding on the vehicle.

(ii) Remainder to the owner. A reasonable attempt shall be made to mail the remainder to the last titled owner. If delivery of the remainder cannot be accomplished, the remainder shall become the property of the unit of government governing the location from which the vehicle was towed.

(3) If there are no bidders on the vehicle, the police agency or the custodian of the vehicle may do 1 of the following:

(a) Turn the vehicle over to the towing firm or the custodian of the vehicle to satisfy charges against the vehicle. However, if the value of the vehicle does not satisfy the towing fees and accrued daily storage fees, the custodian of the vehicle may collect the balance of those unpaid fees from the last titled owner, subject to section 252i.

(b) Obtain title to the vehicle for the police agency or the unit of government the police agency represents, by doing the following:

(i) Paying the towing and storage charges.

(ii) Applying for title to the vehicle.

(c) Hold another public sale under subsection (1).

(4) A person who acquires ownership of a vehicle under subsection (1) or (3) that has been designated as a distressed vehicle shall apply for a salvage certificate of title within 15 days after obtaining the vehicle.

(5) Upon disposition of the vehicle, the police agency or towing agency or custodian shall provide the secretary of state and the police agency, if that police agency did not conduct the sale, with the vehicle's disposition and the name of the agency that disposed of it and the police agency shall cancel the entry in the law enforcement information network.

(6) Not less than 25 days after the date of notice required under section 252a, if the police agency does not provide a copy of the bill of sale by the police agency for the abandoned vehicle to the towing agency or custodian or police agency's designee, the towing agency or custodian or police agency designee may obtain an original of the bill of sale by submitting an application to the secretary of state in a form as determined by the secretary of state.