

PROCEDURE MANUAL

06-04



MICHIGAN STATE POLICE

Towing and Impounding Vehicles

Purpose: This manual establishes department procedures for processing abandoned scrap, abandoned, impounded, and towed vehicles, as well as the procedure for inventorying personal property left in impounded vehicles.

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Towing and Impounding Vehicles

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Definitions:

None

Section 1: Procedures for Removing, Reporting and Inventorying Vehicles

1.1 Vehicles Involved in Custodial Arrests

- a. Release to a Passenger
 - i. When the driver of a vehicle is subjected to a custodial arrest and separated from the vehicle, a properly licensed passenger may be allowed to take custody of the vehicle (with authorization of the driver) as long as the passenger would not violate any law by doing so. This section shall not apply when the vehicle is being seized as evidence or for forfeiture.
- b. Vehicles on Limited Access Highways
 - i. If a vehicle is not turned over to a passenger or immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this manual.
- c. Vehicles on Non-Limited Access Highways
 - i. When a vehicle is lawfully parked and not turned over to a passenger, the enforcement member shall offer to call a wrecker to remove the vehicle for safekeeping. If the driver

declines the offer, they will be presumed to have assumed the risk for any claims of loss or damage that may arise, and the vehicle may be left at the scene.

- ii. If the vehicle is parked in a way that it may create an immediate public hazard or an obstruction to traffic and immediate removal cannot be arranged, the vehicle shall be inventoried and impounded as provided in this manual.

1.2 Inventorying Vehicles

- a. Vehicles seized as evidence or towed because they are abandoned, abandoned scrap, impounded vehicles, or vehicles seized in a forfeiture action shall be inventoried by one of the investigating enforcement members.
 - i. All areas of the vehicle that may contain property, including any containers, shall be checked.
 - ii. Only a visual inspection shall be conducted from outside the vehicle if it is locked and access cannot be gained without causing damage unless a search warrant is obtained.
- b. An impounded Vehicle Report, UD-091, shall be completed on each vehicle inventoried by a member. All items of unusual nature located in the vehicle shall be recorded on the form, including evidence of contraband. It is not necessary to list items normally found in a vehicle.
- c. Items of unusual value which will be held to protect the owners inter or evidence seized from the vehicle shall be recorded on an electronic record management system property report. An electronic record management system property report is not required for the vehicle unless it will be stored at a department facility or held as evidence of a crime.

1.3 Abandoned Vehicles

- a. For statutory definitions and procedures pertaining to abandoned vehicles, see MCL [257.252a](#) and [257.252b](#).

1.4 Impounded Vehicles

- a. Vehicles seized as evidence or forfeiture shall not be considered impounded vehicles. See procedure manual 12-02.
 - i. For the purposes of this manual those vehicles defined as “impounded” are described as follows:
 1. If the vehicle is in such a condition that the continued operation of the vehicle on the highway would constitute an immediate hazard to the public.
 2. If the vehicle is parked or standing on the highway in a manner that may create an immediate public hazard or an obstruction of traffic.
 3. If a vehicle is parked in a posted “tow away” zone.
 4. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 5. If removal of the vehicle is necessary in the interest of public safety because of fire, flood, storm, snow, natural or man-made disaster, or other emergency.

6. If the vehicle is hampering the use of private property by the owner or person in charge of that property or is parked in a manner that impedes the movement of another vehicle.
7. If the vehicle is stopped, standing, or parked in a space designated for handicapped parking and is not permitted by law to be stopped, standing, or parked in a space designated for handicapped parking.
8. If the vehicle is in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
9. If the vehicle is interfering with the use of a ramp or curb-cut by persons with disabilities.

1.5 Towed Vehicles

- a. For purposes of this manual a "towed vehicle" is defined as a vehicle removed from private property at the direction of a person other than the registered owner or a police agency and reported to this department by the custodian of the vehicle.

1.6 Removing Abandoned, Impounded, or Towed Vehicles

- a. The process for removal of abandoned, impounded, or towed vehicles depends on where the vehicle is located and the type abandoned, impounded, or towed vehicle.
 - i. Enforcement members may immediately remove any of the following vehicles:
 1. Any vehicle that has remained on a state trunk line without a valid registration plate, as provided in [MCL 257.252a](#).
 - a) State trunk line highways are described in [MCL 247.651](#) and include the majority of signed highway routes including Interstate highways (e.g. "I-75"), U.S. highways (e.g. "US-27") and "M" marked routes in Michigan (e.g. "M-35").
 2. Any registered abandoned scrap vehicle, as defined in [MCL 257.252b](#) and described in MCL 257.252a and MCL 257.252b, from either public or private property.
 3. Any unregistered abandoned scrap vehicle, as defined in MCL 257.252b, and described in MCL 257.252a and MCL 257.252b, from either public or private property.
 4. Any impounded vehicle as provided in [MCL 257.252d](#) or as described in Section 48.1.4 of this Order from either public or private property.

1.7 Towed Vehicle – Private Property

- a. If a vehicle has remained on private property without the consent of the property owner, the property owner may have the vehicle removed immediately as an abandoned vehicle by contacting a local towing agency.
- b. Prior to removing the vehicle, the towing agency shall notify a police agency having jurisdiction over the location where the vehicle has been abandoned that the vehicle is being removed.

- c. Upon receiving notification from the towing agency that a vehicle is being towed from private property, the worksite shall:
 - i. Check through the Law Enforcement Information Network (LEIN) to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
 - ii. Within 24 hours, the vehicle shall be entered into LEIN as an abandoned vehicle. For vehicles abandoned on private property under [MCL 257.252a](#), any such LEIN entry must notify the Secretary of State that the abandoned vehicle was taken into custody and shall include the information described in MCL 257.252a(12).
 - iii. An incident report is required, but an on-scene investigation is not necessary. However, prior to entering the vehicle into LEIN an enforcement member must ensure that the VIN and/or registration information supplied by the towing agency is correct and applicable to the vehicle removed.
 - iv. Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled, and the incident closed as provided in Section 1.10.

1.8 Immediate Removal Procedures

- a. The following procedures shall be utilized when removal of abandoned or impounded vehicles occurs immediately, and an enforcement member is present at the scene.
 - i. Initial Action
 1. An enforcement member shall physically check the vehicle before its removal.
 2. A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
 3. If the vehicle is abandoned scrap, the enforcement member shall take two photographs of it and upload as listed in Procedure Manual 17-01.
 4. The vehicle shall be inventoried as provided in Section 1.2 of this manual.
 5. The vehicle shall be towed for safekeeping.
 6. An electronic incident report or Traffic Crash Report, UD-010, if towed from the scene of a crash, shall be submitted. A property report is not required.
 - a) If the vehicle is abandoned scrap, the report shall contain the following information:
 - a. Year, make, and VIN (if available).
 - b. Date of abandonment.
 - c. Location of abandonment.
 - d. A detailed listing of the damaged or missing equipment.
 - e. Location where the vehicle is being held.

7. Any abandoned vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
 8. Except as provided in Section 1.8.9, any impounded vehicle removed from public or private property as provided in [MCL 257.252d](#) or as described in Section 1.4 of this manual, shall be entered into LEIN as abandoned not less than 7 days after the enforcement member authorized removal and followed the procedures set forth in [MCL 257.252a](#).
 9. A vehicle which was impounded for any of the reasons listed in this subsection shall not be entered into LEIN as abandoned as otherwise provided in Section 1.8.8 and must be released by the department prior to the towing agency or custodian releasing it to the vehicle owner. Once released by the department, the towing agency or custodian must wait at least 20 days, but not more than 30 days, to notify the department to enter the vehicle as abandoned. Upon notification, if the vehicle has not been redeemed, the vehicle shall be entered as abandoned in LEIN, and the procedures set forth in [MCL 257.252a](#) shall be followed.
 - a) This subsection applies to vehicles impounded by the department for one or more of the following reasons:
 - a. There was reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
 - b. The vehicle was seized to preserve evidence of a crime, or there was reasonable cause to believe that the vehicle was used in the commission of a crime.
 - c. The vehicle has been involved in a traffic crash and cannot be safely operated from the scene of the crash.
- b. Vehicle Status
- i. For abandoned scrap vehicles skip to Section 1.8.B.(3)
 1. Not less than 30 days after the date the vehicle was entered into LEIN as an abandoned vehicle, the custodian of the vehicle shall be contacted to see if the vehicle has been redeemed by the owner or sold at auction as provided in [MCL 257.252g](#). See Section 1.10 of this manual.
 2. If at any time the owner or secured party redeems the vehicle, the incident shall be closed in accordance with the instructions in Section 1.10 of this manual.
 3. If the vehicle is unregistered abandoned scrap:
 - a) The vehicle shall be entered into LEIN within 24 hours as an abandoned vehicle.
 - b) Within 24 hours, excluding weekends and legal holidays, after removing the vehicle, the enforcement member or designee shall complete a [TR-208 release form](#) provided electronically by the Department of State, and release the abandoned scrap vehicle to the custodian of the vehicle.

Following release, the LEIN entry can be canceled, and the incident report closed.

- c) The custodian of the vehicle will dispose of the vehicle in accordance with [MCL 257.252b](#).

1.9 Removal of Tagged Vehicles

a. Initial Investigation

- i. An enforcement member shall physically check every vehicle considered abandoned.
- ii. A check shall be made through LEIN to determine if the vehicle has been reported stolen. Such checks shall be made on both the registration plate, if any, and the VIN.
- iii. An Abandoned Vehicle Tag, UD-070, shall be affixed to the vehicle when first checked by the enforcement member.

b. After the required 18- or 48-hour waiting period and before the removal of the vehicle.:

- i. Recheck both the registration plate, if any, and the VIN through LEIN to determine if the vehicle has been reported stolen.
- ii. Proceed with the appropriate steps outline above.

1.10 Disposition of Abandoned, Towed, and Impounded Vehicles

a. Release to Owner

- i. The owner may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- ii. Vehicle bonds shall not be accepted by this department. These bonds shall be posted with the court.
- iii. When the owner redeems the vehicle or upon disposition of the hearing, the LEIN entry shall be canceled, and the incident may be closed.

b. Release to Secured Party

- i. If the owner fails to redeem the vehicle or request a hearing and the secured party wishes to redeem the vehicle, they may secure release of the vehicle by paying the accrued charges to the custodian of the vehicle, along with the abandoned vehicle fee outlined in [MCL 257.252a](#).
- ii. When the secured party redeems the vehicle, the LEIN entry shall be canceled, and the incident may be closed.

c. Sale at Auction

- i. Vehicles determined to have been abandoned may be sold at a public auction as outlined in [MCL 257.252g](#).
 - 1. The money received from the public sale of the vehicle shall be applied as outlined in MCL 257.252g(2).

2. Any funds remaining shall be documented as abandoned vehicle proceeds on an ADM-028, Record Money Collected/Deposited.
3. On the ADM-028 in the 'Explanation' column, "Abandoned Vehicle Proceeds" shall be clearly printed.
4. The Budget and Financial Services Division shall transfer the funds to the Department of Treasury's Unclaimed Property Division to be disbursed as outlined in MCL 257.252g.
5. The following shall be forwarded to the Department of Treasury's Unclaimed Property Division:
 - a) A copy of the Michigan Department of State TR-52 form; and
 - b) The Michigan Unclaimed Property Report
- ii. If there are no bidders on the vehicle, the Michigan Vehicle Code allows police agencies to obtain title to the vehicle. The department, however, does not allow the purchase of these vehicles except in extraordinary circumstances and with the prior approval of the Budget and Financial Services Division.
- iii. Once informed of the disposal of the vehicle by the custodian of the vehicle, the LEIN entry shall be canceled, and the incident closed.
- d. Unregistered Abandoned Scrap Vehicles
 - i. Within 24 hours after taking an unregistered abandoned scrap vehicle into custody, the custodian of the vehicle may apply for a certificate of scrapping from the Department of State as outlined in [MCL 257.252b](#). The enforcement member or designee shall complete the release form and release the vehicle to the custodian.
 - ii. Once the unregistered abandoned vehicle has been released the LEIN entry can be canceled, and the incident report closed.

1.11 Incident Reports

- a. Any time a vehicle is deemed abandoned, impounded, or towed, and entered in LEIN, an incident report shall be completed. The incident report shall remain open until the vehicle has been disposed of in accordance with MCL 257.252g and the LEIN entry has been cancelled.

1.12 Enforcement Action

- a. The investigating enforcement member may cite the last titled owner for violation of the [Michigan Vehicle Code](#) or the [Natural Resources and Environmental Protection Act](#). The decision as to which Act to cite the last titled owner under shall be based on the condition of the vehicle and contents.

Review Responsibility: Field Operations Bureau, Field Support Bureau, and Executive Operations;
Intelligence Operations Division

Accreditation Standards: CALEA 61.4.3