



Traffic Services Section Michigan State Police Field Update #5

Providing Traffic Related Information and Services to Michigan Law Enforcement

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Abandoned Vehicles

Vehicles as Litter

Effective December 27, 2004, 2004 PA 494 amended [MCL 324.8901\(a\)](#) to include abandoned vehicles in the definition of litter. It also amended [MCL 324.8904\(4\)](#) to provide a rebuttable presumption that the last registered owner abandoned the vehicle, and [MCL 324.8905a\(4\)](#) to make abandoning a vehicle a state civil infraction with a fine of \$500 to \$2500 for a first offense, and \$1000 to \$5000 for a subsequent offense. The vehicle must be properly disposed of pursuant to [MCL 257.252g](#) before the court can order the payment of a fine.

Abandoned Vehicle Towing and Processing

Effective October 1, 2005, 2004 PA 493 and 2004 PA 495 will amend several sections of the Michigan Vehicle Code, changing the process for towing and disposing of an abandoned vehicle. Although many of the changes are administrative or shift items to different sections, significant changes relevant to law enforcement are as follows:

- [MCL 257.240](#) requires a person selling a vehicle to either accompany the purchaser to the Secretary of State branch office, or maintain a photocopy of the properly transferred title for 18 months. Violation is only a \$15 civil infraction, but subjects the violator to civil liability for towing and storage fees.
- [MCL 257.252a](#) makes it a \$50 civil infraction to abandon a vehicle. This section also removes the police agency from the process once the vehicle has been entered into LEIN as an abandoned impound, shifting most of the notification requirements to the Secretary of State.
- [MCL 257.252g](#) allows the wrecker company to conduct the public auction instead of the police agency.
- [MCL 257.252k](#) requires proper signs before towing from some private property.

When citing a person for abandoning a vehicle, either MCL 324.8901(a) or MCL 257.252a (after 10/01/05) can be used, but not both. Circumstances, local policy, and common sense should be used when deciding which section is most appropriate. Check with your prosecutor if in doubt.

Recorked Wine Bottles

Effective May 19, 2005, 2005 PA 21 amended [MCL 436.2021](#) to allow restaurants serving wine for consumption on the premises to recork a partially consumed bottle of wine, which the consumer can then take home. The recorking consists of nothing more than pushing the cork into the bottle to the point where the "top of the cork is level with the lip of the bottle." There is no additional seal or wrapper. The new section states, in part "The transportation or possession of the partially consumed bottle of wine shall be in compliance with section 624a of the Michigan vehicle code, 1949 PA 300, [MCL 257.624a](#)." The legislature has clearly indicated by this language that the recorked wine bottle is considered an open container, subject to the normal restrictions for possessing or transporting in a vehicle.

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