



SUBJECT: Vehicles: Towing, Reporting, and Inspection

TO: Department Members

This Order establishes department policy and member responsibilities for the following:

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48.1 PROCEDURES FOR REMOVING, REPORTING, AND INVENTORYING VEHICLES

This section establishes department policy for processing abandoned, abandoned scrap, impounded, and towed vehicles as well as the procedure for inventorying personal property left in impounded vehicles.

Enforcement members shall not operate an abandoned, impounded, or towed vehicle except when the vehicle is stopped, parked, or standing in a manner that creates an immediate hazard to life and/or safety, and immediate action is required on behalf of the enforcement member to mitigate the hazard.

48.1.1. VEHICLES INVOLVED IN CUSTODIAL ARRESTS

A. Release to Passenger

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

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 Order.

C. Vehicles on Non-Limited Access Highways

- (1) 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, he or she 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.
- (2) 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 Order.

48.1.2. 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.

- (1) All areas of the vehicle that may contain property, including any containers, shall be checked.
- (2) 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 an unusual nature located in the vehicle shall be recorded on the form, including evidence or 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 owner's interest 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.

48.1.3. ABANDONED VEHICLES

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

48.1.4. IMPOUNDED VEHICLES

Vehicles seized as evidence or forfeiture shall not be considered impounded vehicles. See Official Order No. 62, Section 62.1.4.A.

For purposes of this Order those vehicles defined as "impounded" are described as follows:

- A. 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.
- B. 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.
- C. If a vehicle is parked in a posted "tow away" zone.
- D. If there is reasonable cause to believe that the vehicle or any part of the vehicle is stolen.
- E. 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.
- F. 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.
- G. 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.
- H. If the vehicle is located in a clearly identified access aisle or access lane immediately adjacent to a space designated as parking for persons with disabilities.
- I. If the vehicle is interfering with the use of a ramp or curb-cut by persons with disabilities.

48.1.5. TOWED VEHICLES

For purposes of this Order 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.

48.1.6. REMOVING ABANDONED, IMPOUNDED, OR TOWED VEHICLES

The process for removal of abandoned, impounded, or towed vehicles depends on where the vehicle is located and the particular type of abandoned, impounded, or towed vehicle.

Enforcement members may immediately remove any of the following vehicles.

- A. Any vehicle that has remained on a state trunk line without a valid registration plate, as provided in [MCL 257.252a](#).

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").

- B. 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.
- C. 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.
- D. 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.

48.1.7. 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:
- (1) 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.
 - (2) 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).
 - (3) 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.
 - (4) 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 48.1.10.

48.1.8. IMMEDIATE REMOVAL PROCEDURES

The following procedures shall be utilized when removal of abandoned or impounded vehicles occurs immediately and an enforcement member is present at the scene.

- A. 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 Official Order No. 56.
- (4) The vehicle shall be inventoried as provided in Section 48.1.2 of this Order.
- (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.

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 damage 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 48.1.8.A.(9), any impounded vehicle removed from public or private property as provided in [MCL 257.252d](#) or as described in Section 48.1.4. of this Order, 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 48.1.8.A.(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.

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

For abandoned scrap vehicles skip to Section 48.1.8.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 48.1.10 of this Order.
- (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 48.1.10 of this Order.
- (3) If the vehicle is registered abandoned scrap:
 - a. Within 24 hours, enter the vehicle into LEIN as an abandoned vehicle. A purge date of 30 days after taking custody of the vehicle shall be entered on LEIN Scan Line 29.
 - b. The custodian of the vehicle will dispose of the vehicle according to Section 48.1.10 of this Order.
- (4) 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 release form provided by the Department of State, and release the abandoned scrap vehicle to the custodian of the vehicle.
 - c. The custodian of the vehicle will dispose of the vehicle in accordance with [MCL 257.252b](#).

48.1.9. REMOVAL OF TAGGED VEHICLES

A. Initial Investigation

- (1) An enforcement member shall physically check every vehicle considered abandoned.
- (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) 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 removal of the vehicle:

- (1) Recheck both the registration plate, if any, and the VIN through LEIN to determine if the vehicle has been reported stolen.
- (2) Proceed with the appropriate steps outlined in Section 48.1.8 above.

48.1.10. DISPOSITION OF ABANDONED, TOWED, AND IMPOUNDED VEHICLES

A. Release to Owner

- (1) 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](#).
- (2) Vehicle bonds shall not be accepted by this department. These bonds shall be posted with the court.
- (3) 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

- (1) 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](#).
- (2) When the secured party redeems the vehicle, the LEIN entry shall be canceled, and the incident may be closed.

C. Sale at Auction

- (1) Vehicles determined to have been abandoned may be sold at a public auction as outlined in [MCL 257.252g](#).
 - a. The money received from the public sale of the vehicle shall be applied as outlined in MCL 257.252g(2).
 - b. Any funds remaining shall be documented as abandoned vehicle proceeds on an ADM-028, Record Money Collected/Deposited.

On the ADM-028 in the "Explanation" column, "Abandoned Vehicle Proceeds" shall be clearly printed.
 - c. 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.
 - d. The following shall be forwarded to the Department of Treasury's Unclaimed Property Division:
 - i. A copy of the Michigan Department of State TR-52 form; and,
 - ii. The Michigan Unclaimed Property Report
- (2) 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.
- (3) 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

- (1) 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.
- (2) Once the unregistered abandoned vehicle has been released the LEIN entry can be canceled, and the incident report closed.

48.1.11. INCIDENT REPORTS

Any time a vehicle is deemed abandoned, impounded, or towed, and entered into 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.

48.1.12. ENFORCEMENT ACTION

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.

48.2 MOTOR VEHICLE INSPECTION

This section establishes guidelines for inspection of motor vehicles operating on the highways, including non-commercial and commercial vehicles, school buses, and department vehicles. This section also provides uniformity for inspection of vehicles by department members.

48.2.1. NON-COMMERCIAL VEHICLE INSPECTION PROCEDURES

A. Authority for non-commercial motor vehicle inspections

Enforcement members are prohibited from establishing temporary check lanes for the inspection of non-commercial motor vehicles.

B. The primary method to inspect motor vehicles operating on the public highways is road patrol inspections.

- (1) When a vehicle is legally stopped for a violation of the Michigan Vehicle Code, enforcement members of the department may conduct a vehicle inspection.
- (2) Road patrol vehicle inspections shall be recorded on the enforcement member's eDaily.

C. Every vehicle inspected shall be checked according to the Michigan Vehicle Code.

At a minimum, a vehicle inspection should include inspection of lights, brakes, tires, steering, vision requirements, and exhaust system.

D. When a vehicle is inspected and found to have defective equipment, one or more of the following actions shall be taken:

- (1) The driver and vehicle may be released with instructions to make the necessary repairs.

- (2) A citation may be issued for the violations.
- (3) If it is determined that the mechanical condition of the vehicle may create an immediate hazard to the public, the vehicle shall not be allowed to continue operating on the highway. If impoundment of the vehicle is necessary, the procedures outlined in Section 48.1.4 of this Order shall be followed.

48.2.2. INSPECTION OF VEHICLE IDENTIFICATION NUMBERS

This section establishes department policy for conducting vehicle identification number (VIN) inspections when requested by a person presenting a Michigan Department of State (MDOS) "Vehicle Number and Equipment Inspection" form (TR-54) for any reason described in the Michigan Vehicle Code (MVC) including titling, registration, questioned ownership, altered or missing VIN plates, or improper VIN attachment.

- A. A physical inspection to verify a VIN, in those circumstances identified above, is required as a prerequisite for titling a vehicle in Michigan. [MCL 257.213](#) gives authority to the MDOS to perform these inspections with authority extended to enforcement members.
- B. Enforcement members shall not conduct routine VIN inspections but shall assist in requests involving an inability to locate a VIN or unusual circumstances surrounding a particular VIN which requires further law enforcement involvement including alterations and improper attachment of a VIN. Requests for routine inspections shall be directed to MDOS branch offices.
- C. Enforcement members shall not conduct a VIN inspection under this section unless the person requesting the VIN inspection obtained a TR-54 form directly from the MDOS and has already had the vehicle inspected by an appropriate official at the MDOS.
 - (1) If the MDOS is unable to locate the VIN or unusual circumstances surrounding a particular VIN exists, the requesting person will be provided a copy of the TR-54 from the MDOS and be referred to a police department for a determination. If an applicant brings the vehicle and a copy of the TR-54 form to our department on referral, enforcement members have authority to inspect the vehicle to determine the correct VIN or lack of a VIN on the vehicle if the enforcement member is confident in their ability to recognize a proper VIN plate and attachment.
 - (2) Enforcement members are only authorized to complete and certify Part 1 of the TR-54 form as described above. Enforcement members are prohibited from conducting vehicle equipment inspections necessary for completing or certifying Part 2 of the TR-54 form and are expressly prohibited from completing or certifying Part 2 of the TR-54 form.
 - (3) If there is a question regarding the ability to recognize a proper VIN plate or attachment on the vehicle being inspected, the enforcement member shall refer to [MCL 750.415](#) for guidance and contact a qualified auto theft investigator within the department if further assistance is needed. If the enforcement member can make the necessary determinations regarding the VIN, the enforcement member conducting the VIN inspection is authorized to complete and certify Part 1 of the TR-54 and return it to the owner.
- D. Examination of Vehicle Identification Numbers
 - (1) When examining the VIN, enforcement members shall check the method of attachment as well as the number sequence to determine if the VIN is proper and to

detect any additions or deletions. The plate shall be examined to determine if it has been altered, tampered with, or replaced with a fictitious number.

- (2) A suspicious VIN plate may be compared with a known genuine plate of the same manufacturer, year, and model if necessary.
 - (3) Vehicle identification numbers and registration numbers shall be checked through LEIN and NCIC. The TR-54 form shall not be completed and signed until clearance is received from all of the above record centers. Consideration should also be made as to whether the vehicle warrants a check through Canada.
 - (4) Usually, the only way to determine a vehicle's true VIN is to check the secondary VIN stamping on the vehicle. Enforcement members completing the inspection shall compare the Public VIN with other numbers on the vehicle. The federal certification label or emissions label shall be compared. Engine and transmission numbers may also be checked against the public number. Major component part labels contain the VIN and may be used to help identify questioned vehicles.
 - (5) All information concerning the vehicle in question and information about the owner and/or the person who brought the vehicle in for inspection shall be included in the incident report.
 - (6) If the numbers do not match and, after a file check, it cannot be determined whether the vehicle or any of its parts are stolen, the member shall use good judgment. Unless there is reasonable cause to believe the vehicle or any part on the vehicle is stolen or has an altered VIN as described below, the vehicle must be released.
 - (7) If the enforcement member has determined the vehicle or any of its parts are stolen or has an altered VIN, the member must prepare and submit an incident report using the 2400 file classification ("Vehicle Theft") and conduct a thorough investigation into the incident. Enforcement members shall refer to [MCL 257.252d](#) and [MCL 750.415](#) regarding the authority to seize or impound a vehicle when there is reasonable cause to believe the vehicle or any of its parts are stolen or has an altered VIN.
- E. Except as authorized in this order, members are prohibited from conducting inspections of rebuilt, salvaged, or assembled vehicles while in the performance of their duties for the purpose of completing or certifying any MDOS form (e.g. TR-13A Application for Salvage Vehicle Inspection form, TR-13B Salvage Vehicle Recertification form, Part 2 of the TR-54 form) related to the inspection, verification, or certification of vehicles, vehicle equipment, or the major component parts of a vehicle upon request of an applicant or upon referral from the MDOS.

48.2.3. COMMERCIAL VEHICLE INSPECTION PROCEDURES

A. Authority for Commercial Vehicle Inspections

Legal authority for inspection of commercial motor vehicles is found in the [Motor Carrier Safety Act](#). This Act authorizes a peace officer or an officer of the Commercial Vehicle Enforcement Division (CVED), on reasonable cause to believe that a motor vehicle is being operated in violation of the Act or a rule promulgated pursuant to the Act, to stop the motor vehicle and inspect it. If a violation is found, the enforcement member may issue a citation for that violation.

- B. Commercial vehicle inspections may be conducted at scale locations, highway locations, or alternative inspection sites according to the CVED Command.

- (1) Inspections shall be conducted by enforcement members assigned to scales and patrol units. Other enforcement members, when properly trained, shall also conduct inspections when assigned. Inspections performed on public highways shall be conducted in a manner to ensure safety of the officer and the public.
 - (2) Special inspection operations may be established and conducted at alternate inspection sites. These projects shall be conducted according to CVED Command.
- C. Inspections shall be conducted on commercial vehicles that have been legally stopped with probable cause and or violations of rules and regulations.
- D. Each commercial vehicle inspected shall be documented using the inSPECT software. Officers shall complete the Driver/Vehicle Examination Report in compliance with the CVSA Policy Manual and CVED policy.
- (1) A printed copy of the Driver/Vehicle Examination Report shall be provided to the driver of the commercial vehicle inspected. In the event a driver is not available, a copy of the inspection shall be mailed to the carrier. The electronic copy of the Driver/Vehicle Examination Report shall be uploaded to the SAFER mailbox at the completion of the inspection.
 - (2) Commercial Vehicle Safety Alliance (CVSA) decals shall be issued to inspected vehicles meeting the criteria for decal issuance as established by the CVSA Policy Manual.
 - a. When a decal is issued, the officer shall attach it to the lower right-hand corner of the passenger side windshield for power units. Decals shall be attached on trailing units on the lower right corner as near the front as possible.
 - b. Decals are available from the CVED Headquarters.
 - c. Officers shall not stop a vehicle with a valid CVSA decal unless a critical safety defect as identified in the CVSA Policy Manual is observed or other violations of law not related to equipment have been observed.

48.2.4. SCHOOL BUS INSPECTION

A. Authority

Legal authority to conduct inspections of public and non-public school buses is contained in [MCL 257.715a](#) and [MCL 257.1839](#), respectively.

B. Members Assigned

Vehicle Safety Inspectors are assigned to the CVED under the supervision of the Bus Inspection Unit commander.

C. CVED shall administer the bus inspection program.

D. Refer to Official Order No. 17, Section 17.3, for the department's policy on enforcement of laws pertaining to the operation of school buses.

48.3 ADMINISTRATIVE FEES AND OTHER CHARGES

A Michigan State Police post, MJTF, or other worksite shall not profit from the towing of any vehicle. This policy precludes the receiving of any type of administrative fee or other cost

outside of a dollar-for-dollar cost reimbursement for expenses paid in advance by the post, MJTF, or other worksite in conjunction with the towing of a seized vehicle. This section does not preclude proceeds that may be received as the result of a court ordered or administrative adjudication of the forfeiture process instituted by the post, MJTF, or other worksite against a seized/towed vehicle.

48.4 WRECKER SERVICES PAID WITH DEPARTMENT FUNDS

- A. Worksites that use department funds to pay for wrecker services may be required to establish a contract for services if the total amount paid to a single vendor exceeds \$100 per incident or \$400 per year. When it is anticipated that expenditures will exceed these amounts, the Budget and Financial Services Division must be contacted.
- B. If the costs associated with the towing, storage, and disposal of vehicles are paid with multijurisdictional team funds, or other funds which have not been appropriated, it is not necessary to follow these requirements.

48.5 REVISION RESPONSIBILITY

Responsibility for continued review and revision of this Order lies with the Field Operations Bureau and Field Support Bureau (Intelligence Operations Division), in cooperation with Executive Operations.

DIRECTOR