



## Washtenaw County Sheriff's Office TOW BILL OF RIGHTS (page 1 of 5)

Having your vehicle towed and impounded can be stressful and expensive, especially if you have never dealt with it before. The Washtenaw County Sheriff's Office wants you to be an informed and protected consumer. The following information will give you a better understanding of your basic rights regarding towing services in Washtenaw County.

First, it is in your best interest to get your car out of impound as soon as you can to limit the storage fees which accrue daily.

### COMMON REASONS FOR TOW & IMPOUND

Vehicles are commonly towed three reasons: 1) at the direction of the police; 2) at the direction of a private property owner; or 3) at the owner's direction.

- If your vehicle was used in the commission of a crime and a law enforcement agency impounded your vehicle, it is probably being stored at a CONTRACTOR under contract with the Washtenaw County Sheriff's Office or at a storage facility designated by the involved law enforcement agency.
- If you parked illegally (i.e. in a handicap spot, loading zone, fire hydrant zone, etc.), your vehicle was probably cited for illegal parking and impounded.
- If your vehicle is no longer where you left it, there is a good possibility it was parked in a private lot and a CONTRACTOR removed it and impounded it under a contract with a private entity. This is known as a Private Property Impound (PPI). The Sheriff's Office has little to no involvement in this type of impound but can confirm it has been impounded.
- If you were involved in an accident and your vehicle was removed from the scene: (1) at your request or (2) at the officer's request.

### LOCATING YOUR VEHICLE

Look for the why. If you just discover your car was towed, and don't know why, it's best to follow these steps:

- First, check the evidence. Look at your surroundings, including restricted parking signs and tow zones.
- Take pictures. If necessary, take photos of the area and the signs.
- If you see "No Parking" signs and there's a number listed, call it. If not, call the local police department. **DO NOT CALL 911, USE THE NON-EMERGENCY LINE.**

### TOW FEES

The Washtenaw County Sheriff's Office non-consent regulated basic tow rate is \$180.00. If your vehicle is abandoned, blocking a moving lane or in an accident or law enforcement incident, the basic tow fee will be \$180.00 for the first (8) miles and \$5.00 per additional mile. Note: Additional fees (i.e. Administrative fee, Abandonment fee a.k.a. S.O.S fee, Daily Storage fee(s), and additional towing fees based upon type of tow) may apply. All contracted CONTRACTORS must display the Washtenaw County Sheriff's Office Towing Fees at their place of business.

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### **PAYMENT OPTIONS**

Cash, Credit Card and Debit Card will be accepted.

### **CONSUMER RIGHTS**

1. To be treated in a professional manner.
2. To not be overcharged.
3. To receive the following information via telephone prior to arriving at the storage site:
  - a. Each document or other item(s) that must be produced to retrieve the vehicle.
  - b. The exact charges at the time of the telephone call and the rate at which charges accumulate after the call.
  - c. Provide the location to pay the fees to pick up the vehicle.
4. To retrieve your vehicle from the storage site at any hour and on any day, subject to the following:
  - a. If the storage site is open, the vehicle should be released to you immediately upon payment.
  - b. If the storage site is closed, the operator should return to the site within one (1) hour to release your vehicle upon payment.
5. To request and review the contracted towing fees for services provided.
6. To request and review the Tow Bill of Rights.
7. To retrieve your vehicle without signing a release or waiver of any kind.
8. To request an itemized receipt of all charges related to the tow.
9. After taking possession of your vehicle and prior to leaving the storage area the owner or owner's authorized representative should complete a visual inspection of their vehicle and report any concerns to the CONTRACTOR.

### **BEFORE & DURING THE TOW**

1. Before the tow, CONTRACTORs MUST:
  - a. Notify law enforcement prior to hooking up to the vehicle.
  - b. Have specific authorization from the property owner to tow your car via a signed authorization (this is known as a Private Property Impound (PPI)).
  - c. Maintain signs with specific language, and in specific locations.
  - d. Allow a vehicle owner to immediately remove personal property from their vehicle, at the scene of the tow or at the storage facility, during normal business hours regardless of whether payment has been made; additional fees may apply during non-business hours only and/or after the first initial visit which is at no cost.
2. During a tow in process, CONTRACTORs MUST:
  - a. Release a vehicle to the owner or owner's authorized representative in control of the vehicle upon request, even if the vehicle is connected to a tow truck, and upon payment of a drop fee (see contracted Towing Fees).

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- b. Release a vehicle to the owner or owner's authorized representative in control of the vehicle upon request, even if the vehicle is actively being towed, and upon payment of the basic tow rate (see contracted Towing Fees).
- c. Never tow a vehicle while a person or animal is occupying the vehicle.

### **MICHIGAN LAW**

If you believe that your vehicle has been unlawfully towed or that you were charged unreasonable towing or storage fees, Michigan law limits where and when you may challenge such actions. The following information explains the process you must follow to get your vehicle back and to complain about unlawful towing and unreasonable fees. If you fail to redeem your vehicle or timely request a hearing, your rights to your vehicle may be terminated and your vehicle may be sold at auction. Read the below information carefully and know how to protect your rights.

The Michigan Vehicle Code, Michigan Statute 257.252a, lists the scenarios when police and government agencies may provide for the immediate removal of a vehicle from private or public property to a place of safekeeping at the owner's expense. The law also permits private property owners who follow specific posting requirements to initiate vehicle removal. In the latter case, before removing the vehicle, the CONTRACTOR must notify the police agency having jurisdiction over the location of the removed vehicle. Within 24 hours after receiving notice of a private removal (Note: This is normally done immediately upon arrival and before vehicle is hooked to the wrecker), the police must determine if the vehicle has been reported stolen, enter the vehicle into the law enforcement information network.

Under Michigan law, after 7 days, the vehicle will be referred to as an "abandoned vehicle" unless or until the owner goes through the legal process to redeem it (get it back) or contests the appropriateness of the tow in court.

This is also the case if a vehicle is involved in a crash and not redeemed within 20 days. Once the Secretary of State receives notice of the abandoned vehicle, it has seven days to mail notice to the titled owner and any secured party (often a lending institution) indicating the:

1. location from which the vehicle was towed;
2. name of the towing agency;
3. business address where the vehicle is located;
4. procedure to redeem the vehicle;
5. procedure to contest the towing;
6. procedure to challenge the reasonableness of the towing and storage fees; and petition to file with the specified court requesting a hearing.

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### RETRIEVING PERSONAL PROPERTY FROM A TOWED VEHICLE

The vehicle custodian (the CONTRACTOR storing the vehicle) must allow the owner to inspect the vehicle and retrieve personal property from the vehicle without paying a fee for the first visit. After the first visit, the custodian may not charge the owner more than \$25.00 for each additional visit.

### REDEEMING YOUR VEHICLE

When a vehicle is taken into custody as abandoned, the owner and any secured party are notified by mail of the vehicle's status and location. This notice must be sent within seven days after the Secretary of State receives notice from the police that the vehicle has been taken into custody. To redeem your vehicle as the owner, you must:

1. Within 20 days of the date of the notice, visit the custodian (police agency, towing agency, or municipal impound lot) holding the vehicle. The custodian may ask for proof of ownership, so take your title or registration with you.
2. Pay any towing and storage fees, including a \$40 abandoned vehicle fee (a.k.a. SOS fee).
3. You may also find the location of your vehicle and the custodian by entering the vehicle's identification number (VIN) or license plate number on the **Secretary of State's Michigan Abandoned Vehicle Search** or by contacting the **Abandoned Vehicle Help Desk at 517-636-5234**.

*Warning: Although you have 20 days from the date of the notice to request a hearing, after 10 days the secured party may redeem the vehicle by paying the towing, storage, and abandoned vehicle fee.*

If you or the secured party do not redeem the vehicle or request a hearing within 20 days, it may be sold at public auction, and you lose all rights to the vehicle. At least five days before any sale, public notice will be published in a newspaper within the county where the vehicle was towed.

### CHALLENGING A TOW OR THE REASONABLENESS OF FEES

Towing and storage fees are typically set by agreement between the police agency and the towing firm. Residents can request and review the contracted towing fees for services from the contracted CONTRACTOR holding their vehicle. Residents should also review their automobile insurance policy or contact their insurance company to see if the policy covers costs related to the towing.

You have the right to challenge whether your vehicle was properly towed and the reasonableness of towing and storage fees, but you must do so in a timely manner and in an appropriate district court.

The process requires you to file a petition in the district court with jurisdiction over the location from which your car was towed. You must file your petition within 20 days from the date on the notice that your vehicle was towed as abandoned. And you will be responsible for applicable court filing fees. The petition and instructions for how to fill it out are included

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with the mailed notice, or available on the Secretary of State's webpage (Petition Regarding Impoundment of Motor Vehicle (DC90) form). If you request a hearing, you can also get your vehicle back while you are awaiting the hearing outcome, but you will have to either:

1. post a towing and storage bond, (which will include the accrued towing and storage fees) with the court; or
2. pay the abandoned vehicle fees and the accrued towing and storage fees to the custodian of your vehicle.

If the court finds the vehicle was improperly towed, you will be reimbursed for the towing and storage fees, and the abandoned vehicle fee will be returned.

### **TOWING COMPLAINTS**

1. Attorney General's Office Complaints
  - a. You may file complaints with the Michigan Attorney General's Consumer Protection Division. Remember, however, if your complaint involves a tow that was directed by the police or a private property owner, and you want to contest the tow and unreasonable fees, then follow the process outlined above and file a petition for a court hearing. The Attorney General may not represent you in court.
2. Local Police Agency Complaints
  - a. If the police direct the tow, you can also complain to the local police agency. It can take appropriate action against the CONTRACTOR if fees or other conduct by the towing firm violates an agreement between the police agency and the CONTRACTOR.

To file a complaint with the Attorney General, or get additional information, contact:

**Consumer Protection Division**

**P.O. Box 30213**

**Lansing, MI 48909**

**517-335-7599**

**Fax: 517-241-3771**

**Toll free: 877-765-8388**

**Online complaint form**

To meet our mission of providing quality service, the Washtenaw County Sheriff's Office has established a Towing Complaint Hotline. This hotline is for individuals to report towing issues and poor customer service from a contracting CONTRACTOR. We understand having a vehicle impounded can be a stressful event and receiving poor customer service from a CONTRACTOR can make matters worse. We require our contracting partners to provide quality service and want to hear from you if you experienced poor customer service.

**Washtenaw County Sheriff's Office Towing Complaint Hotline: (734) 973-4969**