STATE OF MICHIGAN

COURT OF CLAIMS

VINCENT RAYMOND TOMCZAK,

Plaintiff,

v

Case No. 25-000173-MB

JOCELYN BENSON, in her capacity as Michigan Secretary of State,

Hon. James Robert Redford

Defendant.
_____/

OPINION AND ORDER GRANTING DEFENDANT'S 1/12/26 MOTION FOR SUMMARY DISPOSITION

Plaintiff filed suit seeking a declaratory judgment that he was entitled to the issuance of a "salvage rebuilt" certificate of title and a writ of mandamus compelling defendant, Secretary of State Jocelyn Benson, to issue that title. The relevant statutes prevent defendant from issuing the type of title sought, precluding the relief sought by plaintiff. The Court GRANTS defendant's motion for summary disposition and DISMISSES plaintiff's complaint with prejudice.

Plaintiff purchased a 2021 Dodge Ram from SalvageBid, which in turn purchased the vehicle from Progressive Insurance Company. The vehicle came with a "Certificate of Destruction," issued by the Florida Department of Highway Safety and Motor Vehicles in November 2024. That document states, "When a Certificate of Destruction has been issued, the Department will refuse issuance of any Certificate of Title for that vehicle/vessel."

MCL 257.217(1) requires the owner of a vehicle that must be registered in this state to apply for a certificate of title for that vehicle. In relation to vehicles brought into Michigan from another state, the statute provides: "A vehicle brought into this state from another state or jurisdiction that has a rebuilt, salvage, scrap, flood, or comparable certificate of title issued by that other state or jurisdiction must be issued a rebuilt, salvage, scrap, or flood certificate of title by the secretary of state."

Instead of proceeding under this statute, plaintiff began refurbishing the Dodge Ram with the hopes of securing a "salvage rebuilt" title under MCL 257.217c(14). The plain language of MCL 257.217(1) prevented defendant from issuing a "salvage rebuilt" title for the truck; rather, defendant had a clear duty to issue a title consistent with the title issued in Florida. A "certificate of destruction" under Florida law is given to a purchaser "in lieu of a certificate of title" when a vehicle is "sold for purposes of being dismantled, destroyed, or changed" into something other than a motor vehicle. The certificate of destruction may be assigned a maximum of two times before the vehicle is actually dismantled, destroyed, or changed into something other than a motor vehicle. Fl Statute 713.78 (11)(a). As noted on the Certificate of Destruction, the state of Florida will not issue any type of Certificate of Title once the Certificate of Destruction is issued. The vehicle may not be rehabilitated and driven on the road again.

MCL 257.217(1) required defendant to issue a certificate of title consistent with the Florida "title." Michigan does not have a "Certificate of Destruction" category. The closest definition under Michigan law is a "scrap vehicle" which could be issued a "scrap vehicle title." MCL 257.57e defines "scrap vehicle" as

> a vehicle that is wrecked, destroyed, damaged, or that has a major component part stolen or missing to the extent that the total estimated cost of repairs to rebuild or reconstruct the vehicle, including parts and labor, is equal to or greater than 91% of the actual cash value of the vehicle in its predamaged condition or any vehicle that comes into this state with a scrap title or comparable certificate of title.

A scrap certificate of title evidences ownership of a scrap vehicle and "may be assigned only to a scrap metal processor, an automotive recycler, used or secondhand vehicle parts dealer, or a foreign salvage vehicle dealer and reassignable only to a vehicle scrap metal processor." MCL 257.57d.

Plaintiff is not entitled to any title on the vehicle because it can only be issued a scrap title. A scrap title may only be issued to certain categories of individuals like scrap metal recyclers. Plaintiff does not fall into that category. Even if plaintiff could get a scrap title, he could not rebuild the vehicle and drive it on the road. A vehicle with a scrap title must be scrapped, just like a vehicle with a Florida certificate of destruction must be destroyed. Accordingly, plaintiff cannot establish that he is entitled to the relief requested.

IT IS ORDERED:

1. The Court GRANTS defendant's motion for summary disposition under MCR 2.116(C)(8).
2. The Court DISMISSES plaintiff's complaint in its entirety and with prejudice.
3. This is a final order resolving all issues in this case.

Date: April 22, 2026

James Robert Redford
Judge, Court of Claims