

HOUSE BILL No. 5951

June 25, 1992, Introduced by Reps. Gnodtke, Nye, Van Singel, Dalman, Walberg, Fitzgerald, Brackenridge, Gilmer, McBryde and McNutt and referred to the Committee on Conservation, Recreation and Environment.

A bill to amend section 3 of Act No. 106 of the Public Acts of 1963, entitled

"An act to define, control and prohibit the littering of public and private property and waters; to prescribe penalties for violation of this act; and to repeal certain acts and parts of acts,"

being section 752.903 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 3 of Act No. 106 of the Public Acts of
2 1963, being section 752.903 of the Michigan Compiled Laws, is
3 amended to read as follows:

4 Sec. 3. (1) A person who violates this act is guilty of a
5 misdemeanor and ~~may~~ SHALL be fined not LESS THAN \$100.00 OR
6 more than ~~\$400.00~~ \$500.00 and costs of prosecution. ~~or~~
7 ~~imprisoned in the county jail not to exceed 90 days, or both.~~
8 ~~The~~ ADDITIONALLY, THE court ~~in lieu of any other sentence~~

1 ~~imposed, may direct a substitution of~~ SHALL IMPOSE, UNDER THE
2 SUPERVISION OF THE COURT, COMMUNITY SERVICE IN THE FORM OF
3 litter-gathering labor, including, but not limited to, ~~the~~
4 litter connected with the particular violation. ~~, under the~~
5 ~~supervision of the court.~~

6 (2) Except as provided in subsection (5) involving litter
7 from a leased vehicle or leased vessel, in a proceeding for a
8 violation of this act involving litter from a motor vehicle or
9 vessel, proof that the particular vehicle or vessel described in
10 the citation, complaint, or warrant was used in the violation,
11 together with proof that the defendant named in the citation,
12 complaint, or warrant was the registered owner of the vehicle or
13 vessel at the time of the violation, constitutes in evidence a
14 presumption that the registered owner of the vehicle or vessel
15 was the driver of the vehicle or vessel at the time of the
16 violation.

17 (3) The driver of a vehicle or vessel is presumed to be
18 responsible for litter which is thrown, dropped, dumped, depos-
19 ited, placed, or left from the vehicle or vessel on public or
20 private property, or waters defined in section 1.

21 (4) For the purpose of this act: ~~,"vehicle"~~

22 (A) "VEHICLE" means every motor vehicle registered under THE
23 MICHIGAN VEHICLE CODE, Act No. 300 of the Public Acts of 1949, as
24 amended, being sections 257.1 to 257.923 of the Michigan Compiled
25 Laws. ~~, and "vessel"~~

26 (B) "VESSEL" means a vessel registered under THE MARINE
27 SAFETY ACT, Act No. 303 of the Public Acts of 1967, as amended,

1 being sections 281.1001 to 281.1199 of the Michigan Compiled
2 Laws.

3 (5) In a proceeding for a violation of this act involving
4 litter from a leased motor vehicle or leased vessel, proof that
5 the particular vehicle or vessel described in the citation, com-
6 plaint, or warrant was used in the violation, together with proof
7 that the defendant named in the citation, complaint, or warrant
8 was the lessee of the vehicle or vessel at the time of the viola-
9 tion, constitutes in evidence a presumption that the lessee of
10 the vehicle or vessel was the driver of the vehicle or vessel at
11 the time of the violation.