



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**



**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

House Bill 4008 (Substitute S-1 as reported)  
Sponsor: Representative David Anthony  
House Committee: Conservation, Environment, and Great Lakes  
Senate Committee: Natural Resources and Environmental Affairs

## **CONTENT**

The bill would amend Part 89 of the Natural Resources and Environmental Protection Act to specify penalties for littering based on the amount of litter, provide for the impoundment of vehicles used in littering, subject an impounded vehicle to a lien, and allow the enforcement of the lien through a foreclosure sale. The bill would take effect June 1, 1995, and would be repealed December 31, 1997.

Currently, the Act specifies that littering is a misdemeanor, subject to a minimum fine of \$100 and a maximum fine of \$500. The bill provides that the following offenses would be considered State civil infractions, and civil fines would be imposed in proportion to the volume of litter, as follows:

- Littering of less than one cubic foot in volume: up to \$800.
- Littering of one to three cubic feet in volume: up to \$1,500.
- Littering of more than three cubic feet in volume: up to \$2,500. A civil fine of up to \$5,000 could be imposed for a violation of this provision in a subsequent proceeding.

A default in the payment or installment payment of the civil fines or costs imposed under these provisions would be subject to remedies provided under the Revised Judicature Act.

These provisions are tie-barred to House Bill 4426 (Public Act 54 of 1995, which amended the Revised Judicature Act to establish procedures under which violations of State law may be adjudicated as State civil infractions).

MCL 324.8904 et al.

Legislative Analyst: L. Burghardt

## **FISCAL IMPACT**

The bill would have a potential fiscal impact of between \$125,000 and \$780,000, depending on the number of violations and the types of fines assessed.

The Department of Natural Resources prosecutes an average of 156 littering cases per year. It is unknown how many would be fined in each category described in the bill, or whether the maximum fine in a category would be assessed. If all violators were fined \$800, the revenue would be \$125,000; if fined \$5,000, the revenue would be \$780,000.

Date Completed: 5-25-95

Fiscal Analyst: G. Cutler