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CAUSE OF ACTION; UNLAWFUL BURNING

House Bill 4360

Sponsor: Rep. Gloria Schermesser
Committee: Family and Civil Law

Complete to 3-8-99

A SUMMARY OF HOUSE BILL 4360 AS INTRODUCED 3-2-99

The bill would create a cause of action against any person or other legal entity who had unlawfully burned any property or material. The cause of action could be brought by any person on behalf of the people of the state and would be heard in the circuit court that had jurisdiction over the area where the alleged unlawful burning occurred. An unlawful burning would be any burning that was done in contradiction of any applicable statutes, rules, ordinances, or permits and the defendant's ownership of the burned property or material would not be a defense. The cause of action created in the bill would be in addition to any existing civil remedies and any administrative and regulatory procedures provided by law.

If the court determined that a defendant had unlawfully burned any property or material, the defendant would be required to pay any damages established by the evidence in favor of the people of the state, the attorney fees and costs of the person who brought the action to court, and a civil fine of no less than \$100 and no more than \$1,000. The payment of the attorney fees and costs would be given priority for payment.

House Bill 4360 (3-8-99)

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.