

Legislative Analysis



ABANDONED VEHICLES AS LITTER

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Senate Bill 1171 (Substitute H-1)

Sponsor: Sen. Gerald Van Woerkom

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Transportation

First Analysis (11-30-04)

BRIEF SUMMARY: Senate Bill 1171 would amend part 89 (Littering) of the Natural Resources and Environmental Protection Act to include abandoned vehicles in the definition of "litter."

FISCAL IMPACT: Civil fines would be collected from persons violating provisions of this bill would be provided to local public libraries. There would be no additional fiscal impact on the State or on local governmental units.

THE APPARENT PROBLEM:

Individuals in Michigan can be fined up to \$5,000 for dumping or leaving litter on public or private property and up to \$500 for throwing litter or other objects into the path of a vehicle. No penalties currently exist, however, for those who abandon their vehicles on the side of the highway or on others' property (although the vehicles may be impounded and ultimately sold at auction). Occasionally, abandoned vehicles are loaded with garbage, including hazardous materials. To discourage people from leaving their scrap vehicles behind for others to pick up, it has been suggested that civil fines be imposed for this behavior.

THE CONTENT OF THE BILL:

Senate Bill 1171 would amend Part 89 (Littering) of the Natural Resources and Environmental Protection Act to include abandoned vehicles in the definition of "litter."

Part 89 prohibits a person from knowingly dumping or leaving litter on public or private property without the consent of the property owner. Violators are subject to civil fines ranging from \$800 to \$5,000, depending on the volume of the litter and whether the violator is a repeat offender. In addition, a court may require a violator to pay the cost of removing the litter and/or perform community service in the form of gathering litter.

Under the bill, if the litter consisted of an abandoned vehicle, the violator would be subject to a civil fine of not less than \$500 or more than \$2,500. The fine for a repeat offender would be not less than \$1,000 or more than \$5,000.

"Litter" is defined as rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances. The bill would add to this definition a

vehicle that is disposed of under Section 252g of the Michigan Vehicle Code (which deals with the public sale of a vehicle deemed abandoned).

The bill provides that, in a proceeding for a violation of Part 89 involving litter consisting of an abandoned vehicle, proof that the vehicle described in the citation, complaint, or warrant was abandoned, and that the defendant named in the citation, complaint, or warrant was the titled owner or lessee of the vehicle at the time it was abandoned, would give rise to a rebuttable presumption that the defendant abandoned the vehicle.

Under Part 89, in a proceeding that involves littering from a vehicle or vessel, the owner, lessee, or driver of the vehicle or vessel from which litter was thrown is presumed to be responsible for the litter. This presumption does not apply if a person is assessed a civil fine for littering. The bill would delete this exception.

MCL 324.8901 et al.

HOUSE COMMITTEE ACTION:

The House Committee on Transportation adopted a substitute that differs only slightly from the Senate-passed version. Where the Senate substitute refers in the definition of "litter" to a vehicle "considered abandoned" under the vehicle code, the House substitute refers to a vehicle "that is disposed of" under the same section of the vehicle code.

Some of the information in this analysis is derived from the Senate Fiscal Agency's analysis of the bill dated 8-11-04.

Two other bills addressing abandoned vehicles have passed the House this session, House Bill 4231 and House Bill 5364. Both have been reported from committee in the Senate.

ARGUMENTS:

For:

Under the Michigan Vehicle Code, a police agency may have an abandoned vehicle taken into custody and sold at public auction. While the vehicle owner is liable for towing and storage fees, he or she is not otherwise held accountable for abandoning the vehicle. Moreover, towing companies are responsible for removing abandoned vehicles and for disposing of them (and their contents) at their own expense, although it is possible for a company to recover some of the cost at auction. According to one towing company owner, his business towed and disposed of 746 scrap vehicles in 2003; approximately 80,000 vehicles were towed statewide during the same period. Cars left on the edges of highways imperil other drivers, and those containing hazardous waste can contaminate the environment and are difficult and expensive to dispose of. It is hoped that the civil fines imposed under the bill would dissuade people from abandoning their cars at others' risk and expense.

POSITIONS:

Department of State Police supports the bill. (11-10-04)

Michigan Towing Association supports the bill. (11-10-04)

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■ 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.