



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 1171 (as enrolled)

PUBLIC ACT 494 of 2004

Sponsor: Senator Gerald Van Woerkom

Senate Committee: Natural Resources and Environmental Affairs

House Committee: Transportation

Date Completed: 4-4-05

RATIONALE

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 had existed, 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 was suggested that civil fines be imposed for this behavior.

is not less than \$1,000 or more than \$5,000. The court may not order the payment of a fine, however, unless the vehicle has been disposed of under Section 252g of the Michigan Vehicle Code.

Part 89 defines "litter" as rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other foreign substances. The bill adds to this definition a vehicle that is considered abandoned under Section 252a of the Michigan Vehicle Code. (Sections 252a and 252g of the Vehicle Code are described in **BACKGROUND**.)

CONTENT

The bill amended Part 89 (Littering) of the Natural Resources and Environmental Protection Act to include abandoned vehicles in the definition of "litter".

The bill took effect on December 29, 2004.

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 consists of an abandoned vehicle, the violator is subject to a civil fine of not less than \$500 or more than \$2,500. The fine for a repeat offender

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, gives 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. Previously, this presumption did not apply if a person was assessed a civil fine for littering. The bill deleted this exception.

MCL 324.8901 et al.

BACKGROUND

Section 252a of the Michigan Vehicle Code defines "abandoned vehicle" as a vehicle

that has remained on public property or private property for a period of 48 hours, after a police agency or other governmental agency designated by the police agency has affixed a notice to the vehicle, or on a State trunk line highway for 18 hours if a valid registration plate is on the vehicle. (No period of time is specified for a vehicle that is on a State trunk line highway and does not have a valid plate.) Public Act 493 of 2004, which takes effect on October 1, 2005, revises the definition to refer to a vehicle that has remained on public property without the consent of the owner; or a vehicle that has remained on public property for at least 48 hours, or (as currently provided) on a State trunk line highway.

Section 252g of the Vehicle Code governs manner of conducting public sales of abandoned vehicles. This section requires the sale to be under the control of a police agency or agent of a police agency; prescribes notice requirements; requires money received from the sale to be distributed in a particular order of priority; and identifies actions the police agency may take if there are no bidders on the vehicle. Section 252g also was amended by Public Act 493 of 2004.

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Under the Michigan Vehicle Code, a police agency may have an abandoned vehicle taken into custody and sold at public auction according to procedures specified in the Code. While the vehicle owner is liable for towing and storage fees, he or she was 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 State-wide 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.

Public Acts 493 and 495 of 2004 made a number of changes to the Michigan Vehicle Code regarding abandoned vehicles. Among other things, Public Act 493 enacts a prohibition against abandoning vehicles, and prescribes a civil fine for a violation. Together with these provisions, Senate Bill 1171 should help dissuade people from abandoning their cars at others' risk and expense.

Legislative Analyst: J.P. Finet
Claire Layman

FISCAL IMPACT

The bill will have an indeterminate fiscal impact on the State. Civil fines may be imposed by a court on violators of this part and are based on the volume of the litter. The fine for an abandoned vehicle will be between \$500 and \$2,500 for the first violation and between \$1,000 and \$5,000 for subsequent violations. Civil fines are deposited into a settlement funds account.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.