

HOUSE SUBSTITUTE FOR
SENATE BILL NO. 1171
(As amended December 8, 2004)

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 8901, 8904, and 8905a (MCL 324.8901,
324.8904, and 324.8905a), section 8904 as amended and section
8905a as added by 1998 PA 15.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8901. As used in this part:

2 (a) "Litter" means ~~all~~ rubbish, refuse, waste material,
3 garbage, offal, paper, glass, cans, bottles, trash, debris, or
4 other foreign substances **or a vehicle that is [considered abandoned under**
5 **section 252a]** of the Michigan vehicle code, 1949 PA 300, MCL
6 **[257.252a]**

7 (b) "Public or private property or water" includes, but is
8 not limited to, any of the following:

9 (i) The right-of-way of a road or highway, a body of water or

1 watercourse, or the shore or beach of ~~the~~ a body of water or
 2 watercourse, including the ice above the water.

3 (ii) A park, playground, building, refuge, or conservation or
 4 recreation area.

5 (iii) Residential or farm properties or timberlands.

6 (c) "Vehicle" means ~~every~~ a motor vehicle registered or
 7 **required to be registered** under the Michigan vehicle code, ~~Act~~
 8 ~~No. 300 of the Public Acts of 1949, being sections 257.1 to~~
 9 ~~257.923 of the Michigan Compiled Laws 1949 PA 300, MCL 257.1 to~~
 10 **257.923.**

11 (d) "Vessel" means a vessel registered under ~~the marine~~
 12 ~~safety act, Act No. 303 of the Public Acts of 1967, being~~
 13 ~~sections 281.1001 to 281.1199 of the Michigan Compiled Laws~~ **part**
 14 **801.**

15 Sec. 8904. (1) Except as provided in subsection (3)
 16 involving litter from a leased vehicle or leased vessel, in a
 17 proceeding for a violation of this part involving litter from a
 18 motor vehicle or vessel, proof that the particular vehicle or
 19 vessel described in the citation, complaint, or warrant was used
 20 in the violation, together with proof that the defendant named in
 21 the citation, complaint, or warrant was the registered owner of
 22 the vehicle or vessel at the time of the violation, ~~constitutes~~
 23 ~~an evidentiary~~ **gives rise to a rebuttable** presumption that the
 24 registered owner of the vehicle or vessel was the driver of the
 25 vehicle or vessel at the time of the violation.

26 (2) ~~The~~ **There is a rebuttable presumption that the** driver
 27 of a vehicle or vessel is ~~presumed to be~~ responsible for litter

1 that is thrown, dumped, deposited, placed, or left from the
2 vehicle or vessel on public or private property or water.

3 (3) In a proceeding for a violation of this part involving
4 litter from a leased motor vehicle or leased vessel, proof that
5 the particular vehicle or vessel described in the citation,
6 complaint, or warrant was used in the violation, together with
7 proof that the defendant named in the citation, complaint, or
8 warrant was the lessee of the vehicle or vessel at the time of
9 the violation, ~~constitutes an evidentiary~~ **gives rise to a**
10 **rebuttable** presumption that the lessee of the vehicle or vessel
11 was the driver of the vehicle or vessel at the time of the
12 violation.

13 (4) ~~This section shall not apply if a sanction for the~~
14 ~~conduct is prescribed in section 8905a.~~ **In a proceeding for a**
15 **violation of this part involving litter consisting of an**
16 **abandoned vehicle, proof that the particular vehicle described in**
17 **the citation, complaint, or warrant was abandoned, and that the**
18 **defendant named in the citation, complaint, or warrant was the**
19 **titled owner or lessee of the vehicle at the time it was**
20 **abandoned, gives rise to a rebuttable presumption that the**
21 **defendant abandoned the vehicle.**

22 Sec. 8905a. (1) A person who violates this part where the
23 amount of the litter is less than 1 cubic foot in volume is
24 responsible for a state civil infraction and is subject to a
25 civil fine of not more than \$800.00.

26 (2) A person who violates this part where the amount of the
27 litter is 1 cubic foot or more but less than 3 cubic feet in

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1 volume is responsible for a state civil infraction and is subject
2 to a civil fine of not more than \$1,500.00.

3 (3) ~~—A~~ **Except as provided in subsection (4),** a person who
4 violates this part where the amount of the litter is 3 cubic feet
5 or more in volume is responsible for a state civil infraction and
6 is subject to a civil fine of not more than \$2,500.00. A person
7 found to have ~~—violated—~~ **committed a violation described in** this
8 subsection in a subsequent proceeding is subject to a civil fine
9 of not more than \$5,000.00.

10 (4) **A person who violates this part where the litter consists**
11 **of an abandoned vehicle is responsible for a state civil**
12 **infraction and is subject to a civil fine of not less than**
13 **\$500.00 or more than \$2,500.00. A person found to have committed**
14 **a violation described in this subsection in a subsequent**
15 **proceeding is subject to a civil fine of not less than \$1,000.00**
16 **or more than \$5,000.00. [However, the court shall not order the payment**
of a fine unless the vehicle has been disposed of under section 252g of
the Michigan vehicle code, 1949 PA 300, MCL 257.252g.]

17 (5) ~~—(4)—~~ A default in the payment of a civil fine or costs
18 ordered under this part or an installment of the fine or costs
19 may be remedied by any means authorized under the revised
20 judicature act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

21 (6) ~~—(5)—~~ This section does not apply to a violation of
22 section 8903 or 8905.