

# SENATE BILL No. 1171

April 27, 2004, Introduced by Senator VAN WOERKOM and referred to the Committee on Natural Resources and Environmental Affairs.

A bill to amend 1994 PA 451, entitled  
"Natural resources and environmental protection act,"  
by amending sections 8901 and 8904 (MCL 324.8901 and 324.8904),  
section 8904 as amended 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**  
5 **abandoned under section 252a of the Michigan vehicle code, 1949**  
6 **PA 300, MCL 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  
10 watercourse, or the shore or beach of ~~the~~ a body of water or

1 watercourse, including the ice above the water.

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

4 (iii) Residential or farm properties or timberlands.

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

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

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

25 (2) ~~The~~ **There is a rebuttable presumption that the** driver  
26 of a vehicle or vessel is ~~presumed to be~~ responsible for litter  
27 that is thrown, dumped, deposited, placed, or left from the

1 vehicle or vessel on public or private property or water.

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

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