

**SUBSTITUTE FOR
HOUSE BILL NO. 4499**

A bill to amend 1961 PA 236, entitled
"Revised judicature act of 1961,"
by amending section 3815 (MCL 600.3815), as amended by 2014 PA 387.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3815. (1) In an action under this chapter, evidence of
2 the general reputation of the building, vehicle, boat, aircraft, or
3 place is admissible for the purpose of proving the existence of the
4 nuisance.

5 (2) In an action under this chapter, proof of knowledge of the
6 existence of the nuisance on the part of 1 or more of the
7 defendants is not required.

8 (3) In an action under this chapter, it is not necessary for
9 the court to find the property involved was being used as and for a
10 nuisance at the time of the hearing, or for the plaintiff to prove
11 that the nuisance was continuing at the time the complaint was

1 filed, if the complaint is filed within 90 days after any act, any
2 violation, or the existence of a condition described in section
3 3801 as a nuisance. ~~but on~~

4 (4) IN AN ACTION UNDER THIS CHAPTER, ON finding THAT THE
5 PLAINTIFF HAS SATISFIED THE BURDEN OF PROOF AND that the material
6 allegations of the complaint are true, the court shall enter a
7 judgment and order of abatement as provided in this chapter.
8 HOWEVER, IF THE PLAINTIFF SEEKS ABATEMENT OF A NUISANCE BY
9 FORFEITURE OR SALE OF A VEHICLE, BOAT, AIRCRAFT, OR OTHER PERSONAL
10 PROPERTY, THE PLAINTIFF HAS THE BURDEN OF PROVING BY CLEAR AND
11 CONVINCING EVIDENCE THAT THE VEHICLE, BOAT, AIRCRAFT, OR PROPERTY
12 WAS USED FOR OR IN FURTHERANCE OF THE ACTIVITY OR CONDUCT THAT
13 CONSTITUTED THE NUISANCE AS DESCRIBED IN SECTION 3801.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.

16 Enacting section 2. This amendatory act only applies to an
17 action commenced on or after the effective date of this amendatory
18 act.