

Act No. 153
Public Acts of 2015
Approved by the Governor
October 20, 2015
Filed with the Secretary of State
October 20, 2015
EFFECTIVE DATE: January 18, 2016

**STATE OF MICHIGAN
98TH LEGISLATURE
REGULAR SESSION OF 2015**

Introduced by Reps. Glenn, Iden, Kesto, Cole, Barrett, Byrd, Canfield, Chang, Courser, Dianda, Dillon, Durhal, Franz, Gamrat, Garrett, Gay-Dagnogo, Goike, Hoadley, Hooker, Howrylak, Hughes, Irwin, Johnson, Kelly, Kivela, LaVoy, Leutheuser, Love, Lyons, McBroom, Rendon, Runestad, Singh, Somerville, Tedder, Theis, Townsend, Victory and Yonker

ENROLLED HOUSE BILL No. 4499

AN ACT to amend 1961 PA 236, entitled "An act to revise and consolidate the statutes relating to the organization and jurisdiction of the courts of this state; the powers and duties of the courts, and of the judges and other officers of the courts; the forms and attributes of civil claims and actions; the time within which civil actions and proceedings may be brought in the courts; pleading, evidence, practice, and procedure in civil and criminal actions and proceedings in the courts; to provide for the powers and duties of certain state governmental officers and entities; to provide remedies and penalties for the violation of certain provisions of this act; to repeal all acts and parts of acts inconsistent with or contravening any of the provisions of this act; and to repeal acts and parts of acts," by amending section 3815 (MCL 600.3815), as amended by 2014 PA 387.

The People of the State of Michigan enact:

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

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


(3) In an action under this chapter, it is not necessary for the court to find the property involved was being used as and for a nuisance at the time of the hearing, or for the plaintiff to prove that the nuisance was continuing at the time the complaint was filed, if the complaint is filed within 90 days after any act, any violation, or the existence of a condition described in section 3801 as a nuisance.

(4) In an action under this chapter, on finding that the plaintiff has satisfied the burden of proof and that the material allegations of the complaint are true, the court shall enter a judgment and order of abatement as provided in this chapter. However, if the plaintiff seeks abatement of a nuisance by forfeiture or sale of a vehicle, boat, aircraft, or other personal property, the plaintiff has the burden of proving by clear and convincing evidence that the vehicle, boat, aircraft, or property was used for or in furtherance of the activity or conduct that constituted the nuisance as described in section 3801.

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

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

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor