



Telephone: (517) 373-5383

Fax: (517) 373-1986

House Bill 4396 (as passed by the House) Sponsor: Representative Robert Wittenberg

House Committee: Transportation Ways and Means

Senate Committee: Transportation and Infrastructure

Date Completed: 9-9-20

## **CONTENT**

The bill would repeal Section 19 of Public Act 368 of 1925, which prohibits obstructions and encroachments on public highways.

Section 19 of Public Act 368 of 1925 specifies that if any building or other obstruction in the process of moving is left in the highway so as to interfere with travel, the commissioner or commissioners may notify the person at fault to remove the obstruction within two days. If the building or obstruction is not removed pursuant to the notice, the person at fault is liable to pay a penalty of \$5 per day for each day that the building or obstruction remains unremoved. After five days the commissioner or commissioners may remove the obstruction at the owner's expense.

The bill would take effect 90 days after its enactment.

MCL 247.189

## **FISCAL IMPACT**

The bill would have a negligible fiscal impact on State and local government in terms of revenue generated from highway obstruction penalties. The section that would be repealed allows a "commissioner", a term not defined in the act but understood to mean the Director of the Department of Transportation (MDOT) or a county road commission, to charge \$5-perday penalty for highway obstructions that are not removed after the person at fault has been given notice to do so. The severity of such a fine may have had more weight in 1909, when the original statute was enacted, but it has little to no impact on MDOT or local units of government now.

It is more probable that the removal of the section would have an impact because its repeal would eliminate a commissioner's authority to remove a highway obstruction at the owner's expense. The frequency with which this statute is currently applied to remove an obstruction and subsequently charge the obstruction's owner for removal is not known. It is also not known how the loss of this authority to remove obstructions could affect the State or local units of government.

Fiscal Analyst: Michael Siracuse

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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.