

SENATE BILL NO. 675

October 06, 2021, Introduced by Senators MCMORROW, BRINKS, IRWIN, CHANG, POLEHANKI, WOJNO, BAYER and SANTANA and referred to the Committee on Environmental Quality.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending sections 8902 and 8905a (MCL 324.8902 and 324.8905a),
section 8905a as amended by 2014 PA 549.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 8902. (1) A person shall not knowingly, without the
2 consent of the public authority having supervision of public
3 property or the owner of private property, dump, deposit, place,
4 throw, or leave, or cause or permit the dumping, depositing,

1 placing, throwing, or leaving of, litter on public or private
 2 property or water other than property designated and set aside for
 3 such purposes.

4 (2) A person ~~who~~**that** removes a vehicle that is wrecked or
 5 damaged in an accident on a highway, road, or street shall remove
 6 all glass and other injurious substances dropped on the highway,
 7 road, or street as a result of the accident.

8 (3) A person shall not knowingly release a balloon outdoors if
 9 the balloon is filled with a gas that is lighter than air. This
 10 subsection does not apply to any of the following:

11 (a) A balloon released for scientific or meteorological
 12 purposes on behalf of or pursuant to a contract with a government
 13 agency.

14 (b) A hot air balloon that is recovered after launching.

15 (c) A hot air balloon that carries passengers in a suspended
 16 basket or capsule.

17 Sec. 8905a. (1) A person ~~who~~**that** violates this part, if the
 18 amount of the litter is less than 1 cubic foot in volume, is
 19 responsible for a state civil infraction and ~~is subject to~~**may be**
 20 **ordered to pay** a civil fine of not more than \$800.00.

21 (2) A person ~~who~~**that** violates this part, if the amount of the
 22 litter is 1 cubic foot or more but less than 3 cubic feet in
 23 volume, is responsible for a state civil infraction and ~~is subject~~
 24 ~~to~~**may be ordered to pay** a civil fine of not more than \$1,500.00.

25 (3) Except as provided in subsection (4), a person ~~who~~**that**
 26 violates this part, if the amount of the litter is 3 cubic feet or
 27 more in volume, is responsible for a state civil infraction and ~~is~~
 28 ~~subject to~~**may be ordered to pay** a civil fine of not more than
 29 \$2,500.00. A person ~~found to have committed~~**that commits** a

violation described in this subsection ~~in a~~ **second or** subsequent
~~proceeding is subject to~~ **time may be ordered to pay** a civil fine of
 not more than \$5,000.00.

(4) A person ~~who~~ **that** violates this part, if the litter is
 described in section 8901(a) (ii) to (v), is responsible for a state
 civil infraction and ~~is subject to~~ **may be ordered to pay** a civil
 fine of not less than \$500.00 or more than \$2,500.00. A person
~~found to have committed~~ **that commits** a violation described in this
 subsection ~~in a~~ **second or** subsequent ~~proceeding is subject to~~ **time**
may be ordered to pay a civil fine of not less than \$1,000.00 or
 more than \$5,000.00. However, the court shall not order the payment
 of a fine unless **1 of the following applies:**

(a) **The** vehicle has been disposed of under section 252g of the
 Michigan vehicle code, 1949 PA 300, MCL 257.252g. ~~the~~

(b) **The** abandoned vessel has been disposed of under section
 80130k. ~~the~~

(c) **The** ORV that is considered abandoned has been disposed of
 under section 80130k as made applicable in section 81151. ~~or the~~

(d) **The** snowmobile that is considered abandoned has been
 disposed of under section 80130k as made applicable in section
 82161.

(5) **A person that violates section 8902(3) is responsible for**
a state civil infraction and is subject to a civil fine of not more
than \$250.00. A person shall not be prosecuted under both this
subsection and subsection (1), (2), or (3) for a violation
involving the same balloons.

(6) ~~(5)~~ A default in the payment of a civil fine or costs
 ordered under this part or an installment of the fine or costs may
 be remedied by any means authorized under the revised judicature

1 act of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

2 (7) ~~(6)~~—This section does not apply to a violation of section
3 8903 or 8905.

4 (8) For the purposes of this section, a balloon released in
5 violation of section 8902 constitutes litter. The volume of the
6 litter is the deflated volume of the balloon plus the volume of any
7 string, ribbon, or other item attached to the balloon.