

HOUSE BILL NO. 5373

October 06, 2021, Introduced by Rep. Manoogian and referred to the Committee on Natural Resources and Outdoor Recreation.

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

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

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

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

15 (b) **The** abandoned vessel has been disposed of under section
16 80130k. ~~the~~

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

19 (d) **The** snowmobile that is considered abandoned has been
20 disposed of under section 80130k as made applicable in section
21 82161.

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

27 (6) ~~(5)~~—A default in the payment of a civil fine or costs
28 ordered under this part or an installment of the fine or costs may
29 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.