

HOUSE BILL NO. 4411

April 30, 2025, Introduced by Rep. Green and referred to Committee on Natural Resources and Tourism.

A bill to amend 1994 PA 451, entitled
"Natural resources and environmental protection act,"
by amending section 8905a (MCL 324.8905a), as amended by 2024 PA 6.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 8905a. (1) A person who violates this part, if the amount
- 2 of the litter is less than 1 cubic foot in volume, is responsible
- 3 for a state civil infraction and is subject to a civil fine of not
- 4 more than \$800.00.
- 5 (2) A person who violates this part, if the amount of the

litter is 1 cubic foot or more but less than 3 cubic feet in volume, is responsible for a state civil infraction and is subject to a civil fine of not more than \$1,500.00.

(3) A person who commits a first violation of this part, if the amount of litter is 3 cubic feet or more but less than 5 cubic yards, is guilty of a misdemeanor punishable by a penal fine of not more than \$2,500.00.

(4) A person who commits a second violation of this part described in subsection (3) is guilty of a misdemeanor punishable by a penal fine of not more than \$5,000.00. For each subsequent violation of this part described in subsection (3) that follows a conviction for a second violation under this subsection, the penal fine must be increased by \$2,500.00.

(5) A person who commits a first violation of this part, if the amount of litter is 5 cubic yards or more, is guilty of a misdemeanor punishable by a penal fine of not more than \$5,000.00.

(6) A person who commits a second violation of this part described in subsection (5) is guilty of a misdemeanor punishable by a penal fine of not more than \$10,000.00. For each subsequent violation of this part described in subsection (5) that follows a conviction for a second violation under this subsection, the penal fine must be increased by \$5,000.00.

(7) Subsections (3) to (6) apply to a person and a person's employer or employing agency if the violation ~~of~~ **described in** subsection (3), (4), (5), or (6) is committed by a person at the direction of or with the knowledge of the person's employer or employing agency.

(8) Except as otherwise provided in this subsection, as part of its judgment of sentence upon the conviction of a person under

subsections (3) to (6), the court shall order a person to remove the litter and remediate any damage caused to the property as a result of the violation. If the violation was committed on railroad property, the court shall order reimbursement to the railroad for the costs of the removal of the litter and any necessary damage remediation.

(9) If a prosecuting attorney intends to seek an enhanced penal fine under subsection (4) or (6), the prosecuting attorney shall include on the complaint and information a statement listing the prior conviction or convictions. The existence of the defendant's prior conviction or convictions must be determined by the court, without a jury, at sentencing or at a separate hearing for that purpose before sentencing. The existence of a prior conviction may be established by any evidence relevant for that purpose, including, but not limited to, 1 or more of the following:

(a) A copy of the judgment of conviction.

(b) A transcript of a prior trial, plea-taking, or sentencing.

(c) Information contained in a presentence report.

(d) The defendant's statement.

(10) In addition to, or in lieu of, a state civil infraction or a criminal conviction under subsections (1) to (6), the court may order an individual who violates this part ~~under~~ **as described in** subsections (1) to (6) to reimburse a local community group, or village or township, or municipal, county, or state department that has or will perform the cleanup and remediation required as a result of the violation ~~of subsections (1) to (6)~~ for the expense incurred by that entity related to the violation. ~~under subsections (1) to (6).~~

(11) A city, village, or township attorney, a prosecuting

1 attorney for the county, or the attorney general may bring an
2 action seeking reimbursement for expenses incurred ~~for the expense~~
3 to clean up litter and remediate property damage as provided in
4 subsection (10).

5 (12) Reimbursement ordered under subsection (10) or (11) must
6 not exceed actual cleanup and remediation costs. The funds
7 collected as part of an order for reimbursement under subsection
8 (10) or (11) may be used in partnership by a local community group,
9 or village or township, or municipal, county, or state department
10 with the owner of the property for the cleanup and remediation
11 required as a result of the violation. ~~of subsections (1) to (6).~~

12 (13) A person who violates this part, if the litter is
13 described in section 8901(a) (ii) to (v), is responsible for a state
14 civil infraction and is subject to a civil fine of not less than
15 \$500.00 or more than \$2,500.00. A person found to have committed a
16 violation described in this subsection in a subsequent proceeding
17 is subject to a civil fine of not less than \$1,000.00 or more than
18 \$5,000.00. However, the court shall not order the payment of a fine
19 unless the vehicle has been disposed of under section 252g of the
20 Michigan vehicle code, 1949 PA 300, MCL 257.252g, the abandoned
21 vessel has been disposed of under section 80130k, the ORV that is
22 considered abandoned has been disposed of under section 80130k as
23 made applicable in section 81151, or the snowmobile that is
24 considered abandoned has been disposed of under section 80130k as
25 made applicable in section 82161.

26 (14) A default in the payment of a civil fine or costs ordered
27 under this part or an installment of the fine or costs may be
28 remedied by any means authorized under the revised judicature act
29 of 1961, 1961 PA 236, MCL 600.101 to 600.9947.

1 (15) This section does not apply to a violation of section
2 8903 or 8905.

3 (16) In addition to any penal or civil fine **that may be**
4 ordered for a violation ~~of~~ **described in** subsections (1) to (6), a
5 **person who violates this part is liable to the** property owner, ~~has~~
6 **and to a person who removes a vehicle under section 8902(2), in a**
7 civil cause of action for damages for the reasonable and necessary
8 costs of cleanup, **including vehicle removal,** and **of** remediation of
9 the property.