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House Bill 5563 (Substitute S-1 as reported)  
Sponsor: Representative Andrea LaFontaine  
House Committee: Natural Resources  
Senate Committee: Natural Resources, Environment and Great Lakes

### **CONTENT**

The bill would amend the Natural Resources and Environmental Protection Act to do the following:

- Prohibit a person from abandoning a vessel, off-road recreation vehicle (ORV), or snowmobile in Michigan.
- Include an abandoned vessel, ORV, or snowmobile in the definition of "litter".
- Provide that a person who violated the abandonment prohibition and failed to redeem the vessel, ORV, or snowmobile before it was disposed of would be responsible for a State civil infraction and subject to the penalties that apply to littering violations involving abandoned vehicles.
- Prescribe procedures for designating a vessel, ORV, or snowmobile as abandoned and taking it into custody.
- Prescribe procedures for the removal of an unauthorized vessel, ORV, or snowmobile from private property.
- Prescribe procedures by which the owner could contest the designation or removal and redeem the vessel, ORV, or snowmobile.
- Create the "Abandoned Vessel, ORV, and Snowmobile Fund".
- Prescribe a \$40 redemption fee and require \$25 of it to be deposited in the Fund.
- Establish procedures for the sale or disposition of an abandoned vessel, ORV, or snowmobile that was not redeemed.

Under the Act, a person who leaves litter consisting of an abandoned vehicle is responsible for a State civil infraction and is subject to a civil fine of at least \$500 but not more than \$2,500. For a subsequent violation, the fine is at least \$1,000 and not more than \$5,000. The court, however, may not order the payment of a fine unless the vehicle has been disposed of under the Michigan Vehicle Code. Under the bill, the fine also would apply if the litter were an abandoned vessel, ORV, or snowmobile, and the court could not order payment if the vessel, ORV, or snowmobile had been disposed of under the Act.

The bill would take effect 91 days after it was enacted.

MCL 324.8901 et al.

Legislative Analyst: Julie Cassidy

### **FISCAL IMPACT**

The bill would have a negligible fiscal impact on the State and local units of government. The bill would outline a process for the disposition of abandoned watercraft, off-road vehicles, and snowmobiles, and provide a mechanism for the involved parties to recover some associated costs. Neither the Department of Natural Resources nor another

governmental entity currently tracks the numbers of these abandonments, but they are relatively infrequent. Since a statutory process for disposition does not exist, however, when these abandonments occur the governmental agencies and private towing/storage companies do not have a way to recover their costs.

The owner of an abandoned watercraft, ORV, or snowmobile would be required to post a bond or pay a fee of \$40 if he or she wished to redeem the "vehicle", and then pay for the costs of recovering and storing it. Unredeemed vehicles would be sold at auction and the proceeds would be disbursed in the following order: reimbursement of the towing company for its expenses, reimbursement of the police agency or custodian of the vehicle, and payment of the \$40 fee. Any remaining auction proceeds would go to the Unclaimed Property Division in the Department of Treasury.

The proposed Abandoned Vessel, ORV, and Snowmobile Fund would receive \$25 of each \$40 fee paid by abandoned vehicle owners. The Fund would be used by the Department of State to offset costs related to administration of abandoned watercraft, ORVs, and snowmobiles. It is unknown how much revenue the Fund would receive each year.

In addition, by including abandonment of a vessel, snowmobile, or ORV in current provisions that make littering a State civil infraction, the bill could result in an increase in State civil infraction fine revenue, which is statutorily dedicated to public libraries.

The bill would have a negligible fiscal impact on the Department of State Police and other law enforcement agencies. The proposed requirements are similar to what is already being provided in regard to vehicles, and the occasions in which actions would need to be taken with respect to abandoned watercraft, snowmobiles, or ORVs, as provided under the bill, have been estimated to be infrequent.

According to the Department of State, the requirements in the bill would not result in additional costs to the Department, and the proposed responsibilities of the Secretary of State would be performed with existing resources.

Date Completed: 11-18-14

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