



Senate Fiscal Agency
P. O. Box 30036
Lansing, Michigan 48909-7536

BILL ANALYSIS



Telephone: (517) 373-5383
Fax: (517) 373-1986

Senate Bill 760 (as enrolled)
 Sponsor: Senator Philip E. Hoffman
 Committee: Agriculture and Forestry

Date Completed: 2-26-96

RATIONALE

Section 281 of the Michigan Penal Code, dating back to 1905, makes it a misdemeanor for a person to hire from a livery stable a horse, mule, hack, buggy, wagon, sled, or sleigh with intent to defraud the livery stable's owner; if the person refuses to pay the livery stable it is prima facie evidence of fraudulent intent. The provision also requires a livery stable owner to post, in large plain English type in a prominent place in the barn or stable, the prohibition against defrauding the owner, and it specifies that a conviction cannot be obtained for defrauding the owner if the prohibition is not posted. It has been pointed out that a livery stable owner who was defrauded but failed to adhere to the required posting would be unable, under the statute, to have the person charged. Since defrauding a livery stable owner could be prosecuted under other existing general fraud statutes, it has been suggested that Section 281 be repealed.

CONTENT

The bill would amend the Michigan Penal Code to repeal a provision that makes it a misdemeanor to defraud a livery stable keeper, and requires the owner of a livery stable to post the prohibition, in the barn or stable, in large English type.

MCL 750.281

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The bill would eliminate a provision in the Penal Code that is archaic. The general fraud statutes are sufficient to deal with any situation in which a person defrauds or attempts to defraud the owner of a livery stable. Further, the bill would delete the needless requirement that a livery stable owner post a notice stating that it is a crime to defraud the owner.

Legislative Analyst: G. Towne

FISCAL IMPACT

The bill would have no fiscal impact on State government, and likely little impact on local government.

The current penalty for defrauding a livery owner is a misdemeanor. While there are no data available on how many annual convictions there are under this section, the cost as a result of these convictions is not expected to be significant. In addition, defrauding a livery owner could be charged under other existing general fraud statutes.

Fiscal Analyst: M. Hansen

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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.