

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 222

Short Title: Strengthen Littering Law.

(Public)

Sponsors: Representatives Mitchell; Edwards and Hill.

Referred to: Judiciary III.

March 3, 1999

A BILL TO BE ENTITLED

1 AN ACT TO STRENGTHEN THE LITTERING LAW BY INCREASING THE
2 MINIMUM AND MAXIMUM FINES, BY REQUIRING COMMUNITY SERVICE
3 IN THOSE INSTANCES WHERE IT IS CURRENTLY PERMISSIVE, AND BY
4 AUTHORIZING AN INSURANCE PREMIUM SURCHARGE AND
5 ASSESSMENT OF POINTS PURSUANT TO G.S. 58-30.4 FOR PERSONS
6 CONVICTED OF LITTERING.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 14-399 reads as rewritten:

10 "**§ 14-399. Littering.**

11 (a) No person, including but not limited to, any firm, organization, private
12 corporation, or governing body, agents or employees of any municipal corporation shall
13 intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause
14 to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon
15 any public property or private property not owned by him within this State or in the
16 waters of this State including, but not limited to, any public highway, public park, lake,
17 river, ocean, beach, campground, forest land, recreational area, trailer park, highway,
18 road, street or alley except:

1 (1) When such property is designated by the State or political subdivision
2 thereof for the disposal of garbage and refuse, and such person is
3 authorized to use such property for such purpose; or

4 (2) Into a litter receptacle in such a manner that the litter will be prevented
5 from being carried away or deposited by the elements upon any part of
6 such private or public property or waters.

7 (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or
8 watercraft, the operator thereof shall be presumed to have committed such offense. This
9 presumption, however, does not apply to a vehicle transporting agricultural products or
10 supplies when the litter from that vehicle is a nontoxic, biodegradable agricultural
11 product or supply.

12 (c) Any person who violates this section in an amount not exceeding 15 pounds
13 and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine
14 of not less than ~~one hundred dollars (\$100.00)~~ two hundred fifty dollars (\$250.00) nor more
15 than ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000) for the first offense. In
16 addition, the court ~~may~~ shall require the violator to perform community service of not less
17 than eight hours nor more than 24 hours. The community service required shall be to pick
18 up litter if feasible, and if not feasible, to perform other labor commensurate with the
19 offense committed. Any second or subsequent offense within three years after the date of
20 a prior offense is punishable by a fine of not less than ~~one hundred dollars (\$100.00)~~ five
21 hundred dollars (\$500.00) nor more than ~~one thousand dollars (\$1,000)~~ two thousand
22 dollars (\$2,000). In addition, the court ~~may~~ shall require the violator to perform
23 community service of not less than 16 hours nor more than 50 hours. The community
24 service required shall be to pick up litter if feasible, and if not feasible, to perform other
25 labor commensurate with the offense committed.

26 (d) Any person who violates this section in an amount exceeding 15 pounds but
27 not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3
28 misdemeanor punishable by a fine of not less than ~~one hundred dollars (\$100.00)~~ five
29 hundred dollars (\$500.00) nor more than ~~one thousand dollars (\$1,000)~~ two thousand
30 dollars (\$2,000). In addition, the court shall require the violator to perform community
31 service of not less than 24 hours nor more than 100 hours. The community service
32 required shall be to pick up litter if feasible, and if not feasible, to perform other
33 community service commensurate with the offense committed.

34 (e) Any person who violates this section in an amount exceeding 500 pounds or in
35 any quantity for commercial purposes, or who discards litter that is a hazardous waste as
36 defined in G.S. 130A-290 is guilty of a Class I felony. In addition, the court ~~may~~ shall
37 order the violator to:

38 (1) Remove, or render harmless, the litter that he discarded in violation of
39 this section;

40 (2) Repair or restore property damaged by, or pay damages for any damage
41 arising out of, his discarding litter in violation of this section; or

- 1 (3) Perform community public service relating to the removal of litter
2 discarded in violation of this section or to the restoration of an area
3 polluted by litter discarded in violation of this section.
- 4 (f) A court may enjoin a violation of this section.
- 5 (f1) If a violation of this section involves the operation of a motor vehicle, upon a
6 finding of guilt, the court shall forward a record of the finding to the Department of
7 Transportation, Division of Motor Vehicles, which shall record a penalty of one point on
8 the violator's drivers license pursuant to the point system established by G.S. 20-16. ~~There~~
9 ~~shall be no insurance premium surcharge or assessment of points under the classification plan~~
10 ~~adopted pursuant to G.S. 58-30.4 for a finding of guilt under this section.~~
- 11 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved
12 in the disposal of more than 500 pounds of litter in violation of this section is declared
13 contraband and is subject to seizure and summary forfeiture to the State.
- 14 (h) If a person sustains damages arising out of a violation of this section that is
15 punishable as a felony, a court, in a civil action for such damages, shall order the person
16 to pay the injured party threefold the actual damages or two hundred dollars (\$200.00),
17 whichever amount is greater. In addition, the court shall order the person to pay the
18 injured party's court costs and attorney's fees.
- 19 (i) For the purpose of the section, unless the context requires otherwise:
- 20 (1) "Aircraft" means a motor vehicle or other vehicle that is used or
21 designed to fly, but does not include a parachute or any other device
22 used primarily as safety equipment.
- 23 (2) "Commercial vehicle" means a vehicle that is owned or used by a
24 business, corporation, association, partnership, or sole proprietorship or
25 any other entity conducting business for economic gain.
- 26 (3) "Law enforcement officer" means any officer of the North Carolina
27 Highway Patrol, the State Bureau of Investigation, the Division of
28 Motor Vehicles of the Department of Transportation, a county sheriff's
29 department, a municipal law enforcement department, a law
30 enforcement department of any other political subdivision, the
31 Department, or the North Carolina Wildlife Resources Commission. In
32 addition, and solely for the purposes of this section, "law enforcement
33 officer" means any employee of a county or municipality designated by
34 the county or municipality as a litter enforcement officer; or wildlife
35 protectors as defined in G.S. 113-128(9);
- 36 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box,
37 container, wrapper, paper, paper product, tire, appliance, mechanical
38 equipment or part, building or construction material, tool, machinery,
39 wood, motor vehicle or motor vehicle part, vessel, aircraft, farm
40 machinery or equipment, sludge from a waste treatment facility, water
41 supply treatment plant, or air pollution control facility, dead animal, or
42 discarded material in any form resulting from domestic, industrial,
43 commercial, mining, agricultural, or governmental operations.

1 "Litter"does not include political pamphlets, handbills, religious tracts,
2 newspapers, and other such printed materials the unsolicited distribution
3 of which is protected by the Constitution of the United States or the
4 Constitution of North Carolina.

5 (5) "Vehicle"has the same meaning as in G.S. 20-4.01(49); and

6 (6) "Watercraft"means any boat or vessel used for transportation across the
7 water.

8 (j) It shall be the duty of all law enforcement officers to enforce the provisions of
9 this section.

10 (k) This section does not limit the authority of any State or local agency to enforce
11 other laws, rules or ordinances relating to litter or solid waste management."

12 Section 2. This act becomes effective December 1, 1999, and applies to
13 offenses committed on or after that date.