

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 222
Committee Substitute Favorable 3/22/99

Short Title: Strengthen Littering Law.

(Public)

Sponsors:

Referred to:

March 3, 1999

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE LITTERING LAW BY INCREASING THE
MINIMUM AND MAXIMUM FINES AND BY REQUIRING COMMUNITY
SERVICE IN THOSE INSTANCES WHERE IT IS CURRENTLY PERMISSIVE.

The General Assembly of North Carolina enacts:

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

"§ 14-399. Littering.

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

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

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

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

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

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

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

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

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

39 (3) Perform community public service relating to the removal of litter
40 discarded in violation of this section or to the restoration of an area
41 polluted by litter discarded in violation of this section.

42 (f) A court may enjoin a violation of this section.

1 (f1) If a violation of this section involves the operation of a motor vehicle, upon a
2 finding of guilt, the court shall forward a record of the finding to the Department of
3 Transportation, Division of Motor Vehicles, which shall record a penalty of one point on
4 the violator's drivers license pursuant to the point system established by G.S. 20-16.
5 There shall be no insurance premium surcharge or assessment of points under the
6 classification plan adopted pursuant to ~~G.S. 58-30.4~~ G.S. 58-36-65 for a finding of guilt
7 under this section.

8 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved
9 in the disposal of more than 500 pounds of litter in violation of this section is declared
10 contraband and is subject to seizure and summary forfeiture to the State.

11 (h) If a person sustains damages arising out of a violation of this section that is
12 punishable as a felony, a court, in a civil action for such damages, shall order the person
13 to pay the injured party threefold the actual damages or two hundred dollars (\$200.00),
14 whichever amount is greater. In addition, the court shall order the person to pay the
15 injured party's court costs and attorney's fees.

16 (i) For the purpose of the section, unless the context requires otherwise:

17 (1) "Aircraft" means a motor vehicle or other vehicle that is used or
18 designed to fly, but does not include a parachute or any other device
19 used primarily as safety equipment.

20 (2) "Commercial vehicle" means a vehicle that is owned or used by a
21 business, corporation, association, partnership, or sole proprietorship or
22 any other entity conducting business for economic gain.

23 (2a) "Commercial purposes" means an offense under this section committed
24 by a business, corporation, association, partnership, sole proprietorship,
25 or any other entity conducting business for economic gain, or by an
26 employee or agent of such entity.

27 (3) "Law enforcement officer" means any officer of the North Carolina
28 Highway Patrol, the State Bureau of Investigation, the Division of
29 Motor Vehicles of the Department of Transportation, a county sheriff's
30 department, a municipal law enforcement department, a law
31 enforcement department of any other political subdivision, the
32 Department, or the North Carolina Wildlife Resources Commission. In
33 addition, and solely for the purposes of this section, "law enforcement
34 officer" means any employee of a county or municipality designated by
35 the county or municipality as a litter enforcement officer; or wildlife
36 protectors as defined in G.S. 113-128(9);

37 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box,
38 container, wrapper, paper, paper product, tire, appliance, mechanical
39 equipment or part, building or construction material, tool, machinery,
40 wood, motor vehicle or motor vehicle part, vessel, aircraft, farm
41 machinery or equipment, sludge from a waste treatment facility, water
42 supply treatment plant, or air pollution control facility, dead animal, or
43 discarded material in any form resulting from domestic, industrial,

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

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

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

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

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

13 Section 1.1. The Commissioner of Motor Vehicles is directed to include at
14 least one question relating to littering on the next drivers license examination prepared by
15 the Division of Motor Vehicles.

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