

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 998

Short Title: Strengthen Litter Law.

(Public)

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Sponsors: Representatives Holt; and Gottovi.

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Referred to: Judiciary I.

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April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO PROHIBIT DUMPING OF TRASH ON THE PROPERTY OF  
2 ANOTHER, TO DOUBLE THE MINIMUM FINES FOR LITTERING  
3 OFFENSES, AND TO AUTHORIZE COUNTIES TO OFFER REWARDS TO  
4 APPREHEND FELONY LITTERERS.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 7 of Chapter 784 of the 1989 Session Laws is repealed.

8 Sec. 2. G.S. 14-399 reads as rewritten:

9 **"§ 14-399. Littering.**

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

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

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

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

6 (c) Any person who violates this section in an amount not exceeding 15 pounds  
7 and not for commercial purposes is guilty of a misdemeanor punishable by a fine of not  
8 less than ~~one~~two hundred dollars ~~(\$100.00)-(\$200.00)~~ nor more than five hundred  
9 dollars (\$500.00) for the first offense. Any second or subsequent offense is punishable  
10 by a fine of not less than ~~one~~two hundred dollars ~~(\$100.00)-(\$200.00)~~ nor more than one  
11 thousand dollars (\$1,000). In addition, the court may require the violator to pick up  
12 litter or perform other labor commensurate with the offense committed.

13 (d) Any person who violates this section in an amount exceeding 15 pounds but  
14 not exceeding 500 pounds and not for commercial purposes is guilty of a misdemeanor  
15 punishable by a fine of not less than ~~one~~two hundred dollars ~~(\$100.00)-(\$200.00)~~ nor  
16 more than one thousand dollars (\$1,000). In addition, the court shall require the violator  
17 to pick up litter or perform other community service commensurate with the offense  
18 committed.

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

- 23 (1) Remove, or render harmless, the litter that he discarded in violation of  
24 this section;
- 25 (2) Repair or restore property damaged by, or pay damages for any  
26 damage arising out of, his discarding litter in violation of this section;  
27 or
- 28 (3) Perform community public service relating to the removal of litter  
29 discarded in violation of this section or to the restoration of an area  
30 polluted by litter discarded in violation of this section.

31 (e1) A county may enact an ordinance to offer awards leading to the arrests and  
32 convictions of persons who violate subsection (e) of this section.

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

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

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

1 (h) If a person sustains damages arising out of a violation of this section that is  
2 punishable as a felony, a court, in a civil action for such damages, shall order the person  
3 to pay the injured party threefold the actual damages or ~~two~~ four hundred dollars  
4 ~~(\$200.00), (\$400.00)~~, whichever amount is greater. In addition, the court shall order the  
5 person to pay the injured party's court costs and attorney's fees.

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

7 (1) 'Aircraft' means a motor vehicle or other vehicle that is used or  
8 designed to fly, but does not include a parachute or any other device  
9 used primarily as safety equipment.

10 (2) 'Commercial vehicle' means a vehicle that is owned or used by a  
11 business, corporation, association, partnership, or sole proprietorship  
12 or any other entity conducting business for economic gain.

13 (3) 'Law enforcement officer' means any officer of the North Carolina  
14 Highway Patrol, the State Bureau of Investigation, the Division of  
15 Motor Vehicles of the Department of Transportation, a county sheriff's  
16 department, a municipal law enforcement department, a law  
17 enforcement department of any other political subdivision, the  
18 Department, or the North Carolina Wildlife Resources Commission.  
19 In addition, and solely for the purposes of this section, 'law  
20 enforcement officer' means any employee of a county or municipality  
21 designated by the county or municipality as a litter enforcement  
22 officer; or wildlife protectors as defined in G.S. 113-128(9);

23 (4) 'Litter' means any garbage, rubbish, trash, refuse, can, bottle, box,  
24 container, wrapper, paper, paper product, tire, appliance, mechanical  
25 equipment or part, building or construction material, tool, machinery,  
26 wood, motor vehicle or motor vehicle part, vessel, aircraft, farm  
27 machinery or equipment, sludge from a waste treatment facility, water  
28 supply treatment plant, or air pollution control facility, dead animal, or  
29 discarded material in any form resulting from domestic, industrial,  
30 commercial, mining, agricultural, or governmental operations. 'Litter'  
31 does not include political pamphlets, handbills, religious tracts,  
32 newspapers, and other such printed materials the unsolicited  
33 distribution of which is protected by the Constitution of the United  
34 States or the Constitution of North Carolina.

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

36 (6) 'Watercraft' means any boat or vessel used for transportation across the  
37 water.

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

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

42 Sec. 3. This act is effective upon ratification and applies to any litter offenses  
43 committed on or after that date.