

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 998
Second Edition Engrossed 6/9/93

Short Title: Strengthen Litter Law.

(Public)

Sponsors: Representatives Holt; and Gottovi.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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 Section 7 of Chapter 784 of the 1989 Session Laws is repealed.

Sec. 2. 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
- (2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of 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 rewards for information leading to
32 the arrest and conviction 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. G.S. 14-399.1(a), as reenacted by this act, reads as rewritten:

43 "(a) A person is guilty of a misdemeanor if he intentionally dumps or places litter
44 on the private property of another without the consent of the owner of the property.

1 This act shall not apply to a tenant or lessee unless said tenant or lessee fails to remove
2 such litter within 10 days after he is given written or oral notice to remove such litter
3 following termination of said lease or rental agreement. The presumption in G.S. 14-
4 399(b) and the definition of 'litter' in ~~G.S. 14-399(e)~~ G.S. 14-399(i)(4) apply to this
5 section."

6 Sec. 4. This act becomes effective December 1, 1993 and applies to offenses
7 committed on or after that date.