

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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SENATE BILL DRS45105-ML-96A

Short Title: Litter Law/Rebuttable Presumption. (Public)

Sponsors: Senators McInnis, Jarvis, and Daniel (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CREATE A REBUTTABLE PRESUMPTION THAT A PERSON COMMITTED
3 THE OFFENSE OF LITTERING IF THE LITTER INCLUDES DOCUMENTS OR
4 OBJECTS THAT CLEARLY BEAR THE NAME OF THE PERSON.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 14-399 reads as rewritten:

7 "§ 14-399. Littering.

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

- 15 (1) When the property is designated by the State or political subdivision thereof
16 for the disposal of garbage and refuse, and the person is authorized to use the
17 property for this ~~purpose~~purpose.
18 (2) Into a litter receptacle in a manner that the litter will be prevented from being
19 carried away or deposited by the elements upon any part of the private or
20 public property or waters.

21 (a1) No person, including any firm, organization, private corporation, or governing body,
22 agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be
23 blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or
24 private property not owned by the person within this State or in the waters of this State including
25 any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational
26 area, trailer park, highway, road, street, or alley ~~except~~except in either of the following
27 situations:

- 28 (1) When the property is designated by the State or political subdivision thereof
29 for the disposal of garbage and refuse, and the person is authorized to use the
30 property for this ~~purpose~~purpose.
31 (2) Into a litter receptacle in a manner that the litter will be prevented from being
32 carried away or deposited by the elements upon any part of the private or
33 public property or waters.

34 ...

35 (b1) Any litter found that includes documents or objects clearly bearing the name of a
36 person, including bank statements, utility bills, bank card bills, medical bills, prescription bottles,



1 and other financial or medical documents or objects, shall create a permissive rebuttable
 2 presumption that the person whose name appears on the document knowingly committed the
 3 offense. Advertising, marketing, and campaign materials and literature shall not be sufficient to
 4 create a rebuttable presumption under this subsection.

5 ...

6 (e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding 10
 7 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous waste as
 8 defined in G.S. 130A-290, the court shall order the violator ~~to do any of the following:~~

- 9 (1) Remove, or render harmless, the litter that he discarded in violation of this
 10 ~~section;~~section.
- 11 (2) Repair or restore property damaged by, or pay damages for any damage
 12 arising out of, his discarding litter in violation of this ~~section;~~ or section.
- 13 (3) Perform community public service relating to the removal of litter discarded
 14 in violation of this section or to the restoration of an area polluted by litter
 15 discarded in violation of this section.

16 ...

17 (i) For the purpose of the section, unless the context requires ~~otherwise;~~ otherwise, all of
 18 the following definitions apply:

- 19 (1) ~~"Aircraft" means a Aircraft. – A~~ motor vehicle or other vehicle that is used or
 20 designed to fly, but does not include a parachute or any other device used
 21 primarily as safety equipment.
- 22 (2) Repealed by Session Laws 1999-454, s. 1.
- 23 (2a) ~~"Commercial purposes" means litter~~ Commercial purposes. – Litter discarded
 24 by a business, corporation, association, partnership, sole proprietorship, or any
 25 other entity conducting business for economic gain, or by an employee or
 26 agent of the entity.
- 27 (3) ~~"Law enforcement officer" means any~~ Law enforcement officer. – Any law
 28 enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C
 29 or 17E of the General Statutes, except company police officers as defined in
 30 G.S. 74E-6(b)(3). In addition, and solely for the purposes of this section, "law
 31 enforcement officer" means any employee of a county or municipality
 32 designated by the county or municipality as a litter enforcement officer.
- 33 (4) ~~"Litter" means any~~ Litter. – Any garbage, rubbish, trash, refuse, can, bottle,
 34 box, container, wrapper, paper, paper product, tire, appliance, mechanical
 35 equipment or part, building or construction material, tool, machinery, wood,
 36 motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or
 37 equipment, sludge from a waste treatment facility, water supply treatment
 38 plant, or air pollution control facility, dead animal, or discarded material in
 39 any form resulting from domestic, industrial, commercial, mining,
 40 agricultural, or governmental operations. While being used for or distributed
 41 in accordance with their intended uses, "litter" does not include political
 42 pamphlets, handbills, religious tracts, newspapers, and other similar printed
 43 materials the unsolicited distribution of which is protected by the Constitution
 44 of the United States or the Constitution of North Carolina.
- 45 (5) ~~"Vehicle" has the same meaning as~~ Vehicle. – As defined in G.S. 20-4.01(49).
- 46 (6) ~~"Watercraft" means any~~ Watercraft. – Any boat or vessel used for
 47 transportation across the water.

48"

49 **SECTION 2.** This act becomes effective December 1, 2025, and applies to offenses
 50 committed on or after that date.