

By: Representative Livingston

To: Transportation

## HOUSE BILL NO. 87

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO REVISE PENALTIES FOR LITTERING; TO REQUIRE THE DEPARTMENT OF  
3 PUBLIC SAFETY TO PUBLISH IN A LOCAL NEWSPAPER THE PICTURES OF  
4 PERSONS CONVICTED OF LITTERING; TO PROVIDE FOR THE SUSPENSION OF  
5 CERTAIN LICENSES FOR LITTERING; TO AMEND SECTIONS 49-7-27 AND  
6 63-1-51, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS  
7 OF THIS ACT; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. Section 97-15-29, Mississippi Code of 1972, is  
10 amended as follows:

11 97-15-29. (1) Anyone who shall put, throw, dump or leave on  
12 the roads and highways of this state, or within the limits of the  
13 rights-of-way of such roads and highways, or upon any private  
14 property, any litter, or any cigarette or cigar stubs, or any  
15 other thing or substance likely to ignite the grass or underbrush  
16 on a road or highway, in addition to being civilly liable for all  
17 damages caused by such act shall, upon conviction, be guilty of a  
18 misdemeanor and punished as provided by subsections (3) and (11)  
19 of this section.

20 (2) The Department of Transportation is authorized to erect  
21 warning signs along the roads and highways of this state advising  
22 the public of the existence of this section and of the penalty for  
23 the violation thereof and is further authorized to install  
24 receptacles at reasonable intervals along the roads and highways  
25 of this state to be used as containers for trash and rubbish and  
26 for the convenience of the public using such roads and highways.

27 (3) Any person found guilty of the violation of this section  
28 shall, upon conviction, be fined not less than One Hundred Dollars

29 (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00). The  
30 proceeds of such fines shall be expended by the collecting  
31 jurisdiction solely for the purpose of funding local litter  
32 prevention programs or projects or local or school litter  
33 education programs as recommended by the statewide litter  
34 prevention program of Keep Mississippi Beautiful, Inc.

35 (4) As a part of the fine imposed by subsection (3) above, a  
36 person convicted for an offense upon which fines are imposed by  
37 this section may be required to perform the following, and a  
38 person convicted for a second or subsequent offense upon which  
39 fines are imposed by this section shall be required to:

40 (a) Remove or render harmless, in accordance with  
41 written direction, as appropriate, from the Department of  
42 Environmental Quality or local law enforcement authorities, the  
43 unlawfully discarded solid waste;

44 (b) Repair or restore property damaged by, or pay  
45 damages for any damage arising out of the unlawfully discarded  
46 solid waste;

47 (c) Perform community public service relating to the  
48 removal of any unlawfully discarded solid waste or to the  
49 restoration of any area polluted by unlawfully discarded solid  
50 waste; and

51 (d) Pay all reasonable investigative and prosecutorial  
52 expenses and costs to the investigative and/or prosecutorial  
53 agency or agencies.

54 (5) Upon a second or subsequent conviction of an offense  
55 upon which fines are imposed by this section, the minimum and  
56 maximum fines shall be doubled.

57 (6) When any litter is thrown or discarded from a motor  
58 vehicle, the operator of the motor vehicle shall be deemed in  
59 violation of this section.

60 (7) Assessments collected under subsection (4) of Section  
61 99-19-73 from persons convicted of a violation of this section  
62 shall be deposited to the credit of the Statewide Litter  
63 Prevention Fund created in Section 65-1-167.

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

66 (9) This section shall not prohibit the storage of ties and  
67 machinery by a railroad on its right-of-way where the highway  
68 right-of-way extends to within a few feet of the railroad roadbed.

69 (10) The Department of Public Safety shall publish the  
70 pictures and names of persons convicted of violating the  
71 provisions of this section. Any person convicted of violating the  
72 provisions of this section shall pay to the Department of Public  
73 Safety such costs and expenses necessary to have their picture  
74 published in any weekly or daily newspaper generally circulated in  
75 the county in which such person resides and in which offense  
76 occurred. The picture shall exhibit the face of the convicted  
77 person and shall be labeled as necessary to identify such person  
78 as a litterbug.

79 (11) Any person found guilty of a violation of this section  
80 shall be subject to the suspension of such person's drivers'  
81 license or hunting, trapping or fishing license. The judge who  
82 imposes a sentence under this section may suspend a drivers'  
83 license for a period of thirty (30) days for a first offense and  
84 for a period of six (6) months for a second or subsequent offense  
85 or the judge may suspend a hunting, trapping or fishing license  
86 for a period of one (1) year.

87 (12) For the purposes of this section, the term "litter"  
88 means any refuse of any kind or any object or substance which  
89 tends to pollute, mar or deface any public or private property.

90 SECTION 2. Section 49-7-27, Mississippi Code of 1972, is  
91 amended as follows:

92 49-7-27. The commission may revoke any hunting, trapping, or  
93 fishing privileges, license or deny any person the right to secure  
94 such license if the person has been convicted of the violation of  
95 any of the provisions of this chapter or any regulation thereunder  
96 or a violation of Section 97-15-29. The revocation of the  
97 privilege, license or refusal to grant license shall be for a  
98 period of one (1) year. However, before the revocation of the

99 privilege or license shall become effective, the executive  
100 director shall send by registered mail notice to the person or  
101 licensee, who shall have the right to a hearing or representation  
102 before the commission at the next regular meeting or a special  
103 meeting, the notice shall set out fully the ground or complaint  
104 upon which revocation of, or refusal to grant, the privilege or  
105 license is sought.

106 Any person who is convicted for a second time during any  
107 period of twelve (12) consecutive months for violation of any of  
108 the laws with respect to game, fish or nongame fish or animals  
109 shall forfeit his privilege and any license or licenses issued to  
110 him by the commission and the commission shall not issue the  
111 person any license for a period of one (1) year from the date of  
112 forfeiture.

113 Failure of any person to surrender his license or licenses  
114 upon demand made by the commission or by its representatives at  
115 the direction of the commission shall be a misdemeanor and shall  
116 be punishable as such.

117 Any violator whose privilege or license has been revoked, who  
118 shall, during the period of revocation, be apprehended for hunting  
119 or fishing, shall have imposed upon him a mandatory jail term of  
120 not less than thirty (30) days nor more than six (6) months.

121 In addition to the reasons specified in this section and  
122 other provisions of this chapter, the commission shall be  
123 authorized to suspend any license issued to any person under this  
124 chapter for being out of compliance with an order for support, as  
125 defined in Section 93-11-153. The procedure for suspension of a  
126 license for being out of compliance with an order for support, and  
127 the procedure for the reissuance or reinstatement of a license  
128 suspended for that purpose, and the payment of any fees for the  
129 reissuance or reinstatement of a license suspended for that  
130 purpose, shall be governed by Section 93-11-157 or 93-11-163, as  
131 the case may be. If there is any conflict between any provision

132 of Section 93-11-157 or 93-11-163 and any provision of this  
133 chapter, the provisions of Section 93-11-157 or 93-11-163, as the  
134 case may be, shall control.

135 SECTION 3. Section 63-1-51, Mississippi Code of 1972, is  
136 amended as follows:

137 63-1-51. (1) It shall be the duty of the trial judge, upon  
138 conviction of any person holding a license issued pursuant to this  
139 article where the penalty for a traffic violation is as much as  
140 Ten Dollars (\$10.00), to mail a copy of abstract of the court  
141 record or provide an electronically or computer generated copy of  
142 abstract of the court record immediately to the commissioner at  
143 Jackson, Mississippi, showing the date of conviction, penalty,  
144 etc., so that a record of same may be made by the Department of  
145 Public Safety. The commissioner shall forthwith revoke the  
146 license of any person for a period of one (1) year upon receiving  
147 a duly certified record of each person's convictions of any of the  
148 following offenses when such conviction has become final:

149 (a) Manslaughter or negligent homicide resulting from  
150 the operation of a motor vehicle;

151 (b) Any felony in the commission of which a motor  
152 vehicle is used;

153 (c) Failure to stop and render aid as required under  
154 the laws of this state in event of a motor vehicle accident  
155 resulting in the death or personal injury of another;

156 (d) Perjury or the willful making of a false affidavit  
157 or statement under oath to the department under this article or  
158 under any other law relating to the ownership or operation of  
159 motor vehicles;

160 (e) Conviction, or forfeiture of bail not vacated, upon  
161 three (3) charges of reckless driving committed within a period of  
162 twelve (12) months;

163 (f) Contempt for failure to pay a fine or fee or to  
164 respond to a summons or citation pursuant to a charge of a

165 violation of this title.

166 (2) The commissioner shall revoke the license issued  
167 pursuant to this article of any person convicted of negligent  
168 homicide, in addition to any penalty now provided by law.

169 (3) In addition to the reasons specified in this section,  
170 the commissioner shall be authorized to suspend the license issued  
171 to any person pursuant to this article for being out of compliance  
172 with an order for support, as defined in Section 2 of this act.  
173 The procedure for suspension of a license for being out of  
174 compliance with an order for support, and the procedure for the  
175 reissuance or reinstatement of a license suspended for that  
176 purpose, and the payment of any fees for the reissuance or  
177 reinstatement of a license suspended for that purpose, shall be  
178 governed by Section 4 or 7 of this act, as the case may be. If  
179 there is any conflict between any provision of Section 4 or 7 of  
180 this act and any provision of this article, the provisions of  
181 Section 4 or 7 of this act, as the case may be, shall control.

182 (4) The commissioner shall suspend the license of any person  
183 convicted of a violation of Section 97-15-29 as provided in  
184 Section 97-15-29.

185 SECTION 4. This act shall take effect and be in force from  
186 and after July 1, 1999.