

By: Representatives Compretta, Dedeaux

To: Transportation

HOUSE BILL NO. 880
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 97-15-29 AND 97-15-31, MISSISSIPPI
2 CODE OF 1972, TO REVISE THE PENALTIES FOR LITTERING; AND FOR
3 RELATED PURPOSES.

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

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

7 97-15-29. (1) Anyone who shall put, throw, dump or leave on
8 the roads and highways of this state, or within the limits of the
9 rights-of-way of such roads and highways, or upon any private
10 property, any cigarette or cigar stubs, or any other thing or
11 substance likely to ignite the grass or underbrush on a road or
12 highway, in addition to being civilly liable for all damages
13 caused by such act shall, upon conviction, be guilty of a
14 misdemeanor and punished as provided by subsection (3) of this
15 section.

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

23 (3) Any person found guilty of the violation of this section
24 shall, upon conviction, be fined not less than One Hundred Dollars
25 (\$100.00) nor more than Five Hundred Dollars (\$500.00). The
26 proceeds of such fines shall be expended by the collecting

jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

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

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

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

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

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

(9) This section shall not prohibit the storage of ties and machinery by a railroad on its right-of-way where the highway

64 right-of-way extends to within a few feet of the railroad roadbed.

65 SECTION 2. Section 97-15-31, Mississippi Code of 1972, is
66 amended as follows:

67 97-15-31. (1) It shall be unlawful for any person, or
68 corporation acting through any employee or agent, to * * *
69 carelessly place glass, nails, tacks, or other objects which may
70 damage the property of another, in any public street, highway,
71 alley-way, or sidewalk. If said person or corporation shall not
72 immediately gather up and remove same, he or it shall be guilty of
73 a misdemeanor, and upon conviction shall be fined not less than
74 Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00)
75 for each offense, and in addition shall be liable to any person
76 injured thereby, or injury to his property, for two (2) times the
77 amount of actual damage sustained.

78 (2) Any person or corporation, acting through any employee
79 or agent, who knowingly or wilfully violates the provisions of
80 subsection (1) of this section shall be fined not less than One
81 Hundred Dollars (\$100.00) nor more than Five Hundred Dollars
82 (\$500.00) for each such offense and, in addition, shall be liable
83 to any person injured thereby, or injury to his property, for two
84 (2) times the amount of actual damages sustained.

85 SECTION 3. This act shall take effect and be in force from
86 and after July 1, 1999.