

By: Senator(s) Hall

To: Highways and  
Transportation

SENATE BILL NO. 2976

1 AN ACT TO AMEND SECTION 97-15-30, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT ANY SOLID WASTE BLOWN OR OTHERWISE SCATTERED FROM  
3 ANY TRUCK, TRAILER OR OTHER CARRIER WITH AN OPEN TOP OR BED SHALL  
4 BE SUBJECT TO PENALTIES FOR UNAUTHORIZED DUMPING OF SOLID WASTE;  
5 AND FOR RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF  
6 THE STATE OF MISSISSIPPI:  
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8 SECTION 1. Section 97-15-30, Mississippi Code of 1972, is  
9 amended as follows:

10 97-15-30. (1) For purposes of this section the term  
11 "commercial purpose" means for the purpose of economic gain.

12 (2) (a) Except as authorized by law or permit, it is  
13 unlawful for any person to throw, scatter, spill or place, or  
14 cause to be thrown, scattered, spilled, or placed, or otherwise  
15 disposed of, any solid waste in any of the following manners or  
16 amounts:

17 (i) In or on any public highway, road, street,  
18 alley or thoroughfare, including any portion of the right-of-way  
19 thereof, or any other public lands, except in containers or areas  
20 lawfully provided therefor. When any solid waste is thrown or  
21 discarded from a motor vehicle or blown or otherwise scattered  
22 from any truck, trailer or other devices with an open top or bed,  
23 the operator or owner of the motor vehicle or truck, trailer or  
24 other carrier, or both, shall be deemed in violation of this  
25 section; however, nothing in this subparagraph shall preempt  
26 Section 17-17-11 or 63-7-83;

27 (ii) In or on any waters of the state. When any  
28 solid waste is thrown or discarded from a vessel, the operator or

29 owner of the boat, or both, shall be deemed in violation of this  
30 section; or

31 (iii) In or on any private property, unless prior  
32 written consent of the owner has been given and the solid waste  
33 will not cause a public nuisance or be in violation of any other  
34 state or local law, rule or regulation;

35 (iv) Raw human waste from any train, aircraft,  
36 motor vehicle or vessel upon the public or private lands or waters  
37 of the state.

38 (b) Nothing in this section shall prohibit acts  
39 authorized pursuant to Section 17-17-13.

40 (3) (a) Any person who violates this section in an amount  
41 not exceeding fifteen (15) pounds in weight or twenty-seven (27)  
42 cubic feet in volume and not for commercial purposes is guilty of  
43 littering and subject to a fine as provided in Section 97-15-29.

44 (b) Any person who violates this section in an amount  
45 exceeding fifteen (15) pounds or twenty-seven (27) cubic feet in  
46 volume, but not exceeding five hundred (500) pounds in weight or  
47 one hundred (100) cubic feet in volume and not for commercial  
48 purposes is guilty of a misdemeanor and subject to a fine of not  
49 less than One Hundred Dollars (\$100.00), nor more than One  
50 Thousand Dollars (\$1,000.00), or to imprisonment for a term of not  
51 more than one (1) year, or both.

52 (c) Any person who violates this section in an amount  
53 exceeding five hundred (500) pounds in weight or one hundred (100)  
54 cubic feet in volume, or in any amount or volume of solid waste  
55 for commercial purposes, or in any amount or volume of hazardous  
56 waste is guilty of a felony and subject to a fine of not less than  
57 Five Hundred Dollars (\$500.00), nor more than Fifty Thousand  
58 Dollars (\$50,000.00) or to imprisonment for a term of not more  
59 than five (5) years, or both. For purposes of the fine, each day  
60 shall constitute a separate violation.

61 (d) In addition to any other fines, penalties or  
62 injunctive relief prescribed by law, a person convicted under  
63 subsections (3)(b) or (3)(c) of this section shall:

64 (i) Remove or render harmless, in accordance with  
65 written direction from the Department of Environmental Quality,

66 the unlawfully discarded solid waste;

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

70 (iii) Perform community public service relating to  
71 the removal of any unlawfully discarded solid waste or to the  
72 restoration of an area polluted by unlawfully discarded solid  
73 waste; and

74 (iv) Pay all reasonable investigative and  
75 prosecutorial expenses and costs to the investigative and/or  
76 prosecutorial agency or agencies.

77 (e) If a conviction under subsection (3) of this  
78 section is for a violation committed after a first conviction of  
79 that person under this section, the maximum punishment under the  
80 respective paragraphs shall be doubled with respect to both fine  
81 and imprisonment.

82 (4) A court may enjoin a violation of subsection (2) of this  
83 section.

84 (5) Any motor vehicle, vessel, aircraft, container, crane,  
85 winch, or machine used in a felony violation of this section may  
86 be seized with process or without process if a law enforcement  
87 officer has probable cause to believe that the property was used  
88 in violation of that section. The seized property shall be  
89 subject to an administrative and/or judicial forfeiture by the  
90 same standards and procedures provided under Sections 41-29-176  
91 through 41-29-185.

92 (6) In the criminal trial of any person charged with  
93 violating subsection (2) of this section, the defendant must  
94 affirmatively show that he had authority to discard the solid  
95 waste.

96 (7) Any person who conspires to commit a violation of this  
97 section shall be punished in accordance with the underlying  
98 offense set forth in this section.

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

101           (9) All prosecutions for felony violations of this section  
102 shall be instituted only by the Attorney General, his designee,  
103 the district attorney of the district in which the violation  
104 occurred or his designee and shall be conducted in the name of the  
105 people of the State of Mississippi. In the prosecution of any  
106 criminal proceeding under this section by the Attorney General, or  
107 his designee, and in any proceeding before a grand jury in  
108 connection therewith, the Attorney General or his designee shall  
109 exercise all the powers and perform all the duties which the  
110 district attorney would otherwise be authorized or required to  
111 exercise or perform. The Attorney General shall have the  
112 authority to issue and serve subpoenas for any felony violation in  
113 the same manner as prescribed under Section 7-5-59.

114           (10) Jurisdiction for all felony violations shall be in the  
115 circuit court of the county in which the violation occurred.

116           (11) Nothing in this section shall limit the authority of  
117 the department to enforce the provisions of the Solid Waste  
118 Disposal Law or shall limit the authority of any state or local  
119 agency to enforce any other laws, rules or ordinances.

120           (12) The Department of Transportation may erect warning  
121 signs along the roads and highways of this state advising the  
122 public of the existence of these sections and of the penalty for  
123 the violation thereof.

124           (13) This section shall not prohibit the storage of ties  
125 poles, other materials and machinery by a railroad or a public  
126 utility on its right-of-way. This section does not apply to any  
127 vehicle transporting agricultural products or supplies when the  
128 solid waste from that vehicle is a nontoxic, biodegradable  
129 agricultural product or supply.

130           (14) The Attorney General may pay an award, not to exceed  
131 Ten Thousand Dollars (\$10,000.00) to any person who furnishes

132 information or services that lead to a felony criminal conviction  
133 for any violation of this section. The payment shall be subject  
134 to available appropriations for those purposes as provided in  
135 annual appropriation acts. Any officer or employee of the United  
136 States or any state or local government who furnishes information  
137 or renders service in the performance of an official duty is  
138 ineligible for payment under this subsection.

139 SECTION 2. This act shall take effect and be in force from  
140 and after July 1, 1999.