

By: Lee

To: Highways and
Transportation

SENATE BILL NO. 2550

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT ALL TYPES OF LITTER ON HIGHWAYS; AND FOR RELATED
3 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:[LTR1]

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, or any bottle, can, paper, trash, garbage, rubbish, or
13 solid waste, in addition to being civilly liable for all damages
14 caused by such act shall, upon conviction, be guilty of a
15 misdemeanor and punished as provided by subsection (3) of this
16 section.

17 (2) The Department of Transportation is authorized to erect
18 warning signs along the roads and highways of this state advising
19 the public of the existence of this section and of the penalty for
20 the violation thereof and is further authorized to install
21 receptacles at reasonable intervals along the roads and highways

22 of this state to be used as containers for trash and rubbish and
23 for the convenience of the public using such roads and highways.

24 (3) Any person found guilty of the violation of this section
25 shall, upon conviction, be fined not less than Fifty Dollars
26 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The
27 proceeds of such fines shall be expended by the collecting
28 jurisdiction solely for the purpose of funding local litter
29 prevention programs or projects or local or school litter
30 education programs as recommended by the statewide litter
31 prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

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

51 (5) Upon a second or subsequent conviction of an offense
52 upon which fines are imposed by this section, the minimum and

53 maximum fines shall be doubled.

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

57 (7) Assessments collected under subsection (4) of Section
58 99-19-73 from persons convicted of a violation of this section
59 shall be deposited to the credit of the Statewide Litter
60 Prevention Fund created in Section 65-1-167.

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

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

66 SECTION 2. This act shall take effect and be in force from
67 and after July 1, 2000.