

By: Representatives Martinson, Howell

To: Transportation

HOUSE BILL NO. 811

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT LITTER BLOWN FROM THE UNCOVERED BED OF A PICKUP
3 TRUCK SHALL CONSTITUTE A VIOLATION OF THE LITTER LAW; AND FOR
4 RELATED PURPOSES.

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

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

8 97-15-29. (1) (a) Anyone who shall put, throw, dump or
9 leave on the roads and highways of this state, or within the
10 limits of the rights-of-way of such roads and highways, or upon
11 any private property, any cigarette or cigar stubs, or any other
12 thing or substance likely to ignite the grass or underbrush on a
13 road or highway, in addition to being civilly liable for all
14 damages 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 (b) Anyone who puts, throws or dumps on the roads or
18 highways of this state, or within the limits of the rights-of-way
19 of such roads or highways, or upon any private property without
20 permission of the owner of such property, any dead wildlife,
21 wildlife parts or waste, in addition to being civilly liable for
22 all damages caused by such act, upon conviction, shall be guilty
23 of a misdemeanor and punished as provided by subsection (3) of
24 this section.

25 (2) The Department of Transportation is authorized to erect
26 warning signs along the roads and highways of this state advising
27 the public of the existence of this section and of the penalty for
28 the violation thereof and is further authorized to install



29 receptacles at reasonable intervals along the roads and highways
30 of this state to be used as containers for trash and rubbish and
31 for the convenience of the public using such roads and highways.

32 (3) Any person found guilty of the violation of this section
33 shall, upon conviction, be fined not less than Fifty Dollars
34 (\$50.00) nor more than Two Hundred Fifty Dollars (\$250.00). The
35 proceeds of such fines shall be expended by the collecting
36 jurisdiction solely for the purpose of funding local litter
37 prevention programs or projects or local or school litter
38 education programs as recommended by the statewide litter
39 prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

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

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



62 (6) When any litter is thrown or discarded from a motor
63 vehicle, or is blown from the uncovered bed of a pickup truck, the
64 operator of the motor vehicle or pickup truck shall be deemed in
65 violation of this section.

66 (7) Assessments collected under subsection (4) of Section
67 99-19-73 from persons convicted of a violation of this section
68 shall be deposited to the credit of the Statewide Litter
69 Prevention Fund created in Section 65-1-167.

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

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

75 **SECTION 2.** This act shall take effect and be in force from
76 and after July 1, 2002.

