

By: Representative Howell

To: Transportation

HOUSE BILL NO. 324

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO INCLUDE CAMPAIGN SIGNS NOT REMOVED WITHIN THIRTY DAYS AFTER THE
3 ELECTION IN THE LITTERING STATUTE; AND FOR 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) (a) Anyone who shall put, throw, dump or
8 leave on the roads and highways of this state, or within the
9 limits of the rights-of-way of such roads and highways, or upon
10 any private property, any cigarette or cigar stubs, or any other
11 thing or substance likely to ignite the grass or underbrush on a
12 road or highway, in addition to being civilly liable for all
13 damages 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 (b) Anyone who puts, throws or dumps on the roads or
17 highways of this state, or within the limits of the rights-of-way
18 of such roads or highways, or upon any private property without
19 permission of the owner of such property, any dead wildlife,
20 wildlife parts or waste, in addition to being civilly liable for
21 all damages caused by such act, upon conviction, shall be guilty
22 of a misdemeanor and punished as provided by subsection (3) of
23 this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

73 (10) Any candidate for public office who does not remove
74 campaign signs from a public right-of-way or from a utility pole
75 within thirty (30) days after the election in which he is a
76 candidate shall be guilty of a violation of this section and shall
77 be punished as provided by subsections (3), (4) and (5) of this
78 section.

79 **SECTION 2.** This act shall take effect and be in force from
80 and after July 1, 2004.