

By: Representative Lane

To: Transportation

HOUSE BILL NO. 971

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

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

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

6 97-15-29. (1) (a) Anyone who shall put, throw, dump or
7 leave on the roads and highways of this state, or within the
8 limits of the rights-of-way of such roads and highways, or upon
9 any private property, any cigarette or cigar stubs, or any other
10 thing or substance likely to ignite the grass or underbrush on a
11 road or highway, in addition to being civilly liable for all
12 damages caused by such act shall, upon conviction, be guilty of a
13 misdemeanor and punished as provided by subsection (3) of this
14 section.

15 (b) Anyone who puts, throws or dumps on the roads or
16 highways of this state, or within the limits of the rights-of-way
17 of such roads or highways, or upon any private property without
18 permission of the owner of such property, any dead wildlife,
19 wildlife parts or waste, in addition to being civilly liable for
20 all damages caused by such act, upon conviction, shall be guilty
21 of a misdemeanor and punished as provided by subsection (3) of
22 this section.

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

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

30 (3) Any person found guilty of a first violation of this
31 section shall, upon conviction, be fined Five Hundred Dollars
32 (\$500.00) or sentenced to perform fifty (50) hours of community
33 service as provided in subsection (4)(c). Fifty percent (50%) of
34 the proceeds of such fines shall be used to reimburse the
35 collecting jurisdiction for the cost of removing litter and if the
36 proceeds exceed such reimbursement, the balance shall be used to
37 fund statewide litter prevention television advertisements to
38 inform and educate the public regarding litter prevention and the
39 penalties for violating this section. The remaining fifty percent
40 (50%) of the proceeds shall be used for the purpose of funding
41 local litter prevention programs or projects or local or school
42 litter education programs as recommended by the statewide litter
43 prevention program of Keep Mississippi Beautiful, Inc.

44 (4) As a part of the fine imposed by subsection (3) above, a
45 person convicted for an offense upon which fines are imposed by
46 this section may be required to perform the following, and, except
47 as provided in subsection (5), a person convicted for a second or
48 subsequent offense upon which fines are imposed by this section
49 shall be required to:

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

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

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

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

64 (5) Upon a second or subsequent conviction committed within
65 three (3) years of an offense upon which fines are imposed by this
66 section, the * * * fines shall be One Thousand Dollars (\$1,000.00)
67 and the offender shall be sentenced to perform one hundred (100)
68 hours of community service as provided in subsection (4)(c). The
69 proceeds of the fines shall be expended as provided in subsection
70 (3).

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

74 (7) Assessments collected under subsection (4) of Section
75 99-19-73 from persons convicted of a violation of this section
76 shall be deposited to the credit of the Statewide Litter
77 Prevention Fund created in Section 65-1-167.

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

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

83 **SECTION 2.** This act shall take effect and be in force from
84 and after July 1, 2006.