

By: Senator(s) Gollott

To: Wildlife, Fisheries and
Parks; Judiciary, Division B

SENATE BILL NO. 2549

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO CLARIFY THE PROHIBITION AGAINST DUMPING DEAD WILDLIFE ON
3 STREETS AND ROADS AND TO REVISE THE PENALTY FOR SUCH VIOLATIONS;
4 AND FOR 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 paragraph (a) of
16 subsection (3) of this section.

17 (b) Anyone who puts, throws or dumps on the streets,
18 roads or highways within this state, or within the limits of the
19 rights-of-way of such streets, roads or highways, or upon any
20 private property without permission of the owner of such property,
21 any dead wildlife, wildlife parts or waste, in addition to being
22 civilly liable for all damages caused by such act, upon
23 conviction, shall be guilty of a misdemeanor and punished as
24 provided by paragraph (b) of subsection (3) of 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) (a) Any person found guilty of a violation of paragraph
33 (a) of subsection (1) of this section shall, upon conviction, be
34 fined not less than Fifty Dollars (\$50.00) nor more than Two
35 Hundred Fifty Dollars (\$250.00).

36 (b) Any person found guilty of a violation of paragraph
37 (b) of subsection (1) of this section shall be fined Two Hundred
38 Dollars (\$200.00)

39 (c) The proceeds of such fines shall be expended by the
40 collecting jurisdiction solely for the purpose of funding local
41 litter prevention programs or projects or local or school litter
42 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 a
47 person convicted for a second or subsequent offense upon which
48 fines are imposed by this section shall be required to:

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

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

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

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

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

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

69 (7) Assessments collected under subsection (4) of Section
70 99-19-73 from persons convicted of a violation of this section
71 shall be deposited to the credit of the Statewide Litter
72 Prevention Fund created in Section 65-1-167.

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

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

78 **SECTION 2.** This act shall take effect and be in force from
79 and after July 1, 2007.