

By: Representatives Wallace, Faulkner,
Felsher

To: Transportation;
Appropriations

HOUSE BILL NO. 835

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO CREATE AN ADDITIONAL STATE ASSESSMENT FOR LITTERING VIOLATIONS
3 THAT SHALL BE DEPOSITED IN THE LOCAL SYSTEM BRIDGE REPLACEMENT AND
4 REHABILITATION FUND; 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) Anyone who shall put, throw, dump or leave on
9 the roads and highways of this state, or within the limits of the
10 rights-of-way of such roads and highways, or upon any private
11 property, any cigarette or cigar stubs, or any other thing or
12 substance likely to ignite the grass or underbrush on a road or
13 highway, 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) There shall be imposed and collected an assessment
58 of * * * One Hundred Dollars (\$100.00) on each violation of this
59 section. * * * Fifty Dollars (\$50.00) of the assessment shall be
60 deposited into the Law Enforcement Officers Monument Fund created
61 in Section 39-5-71, and the other Fifty Dollars (\$50.00) of the
62 assessment shall be deposited into the Local System Bridge
63 Replacement and Rehabilitation Fund created in Section 65-37-13.
64 After the monument is constructed, the assessment portion for the
65 monument fund shall not be deposited into the fund. The portion
66 for the monument fund assessment shall then be deposited with the
67 Postsecondary Education Financial Assistance Board to be used for



68 the scholarship program for children of deceased or disabled law
69 enforcement officers and firemen as provided by Section 37-106-39.

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, 2020.

