

By: Representatives Evans (45th), Anderson
(110th)

To: Judiciary B

HOUSE BILL NO. 903

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE AMOUNT OF THE FINE FOR INDIVIDUALS WHO ARE FOUND
3 GUILTY OF VIOLATING LITTERING ORDINANCES OF COUNTIES AND
4 MUNICIPALITIES; 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) (a) Except as provided under paragraph (b) of this
25 subsection, any person found guilty of the violation of this
26 section shall, upon conviction, be fined not less than Fifty
27 Dollars (\$50.00) nor more than Two Hundred Fifty Dollars
28 (\$250.00). The proceeds of such fines shall be expended by the
29 collecting jurisdiction solely for the purpose of funding local
30 litter prevention programs or projects or local or school litter
31 education programs as recommended by the statewide litter
32 prevention program of Keep Mississippi Beautiful, Inc.

33 (b) If the governing authorities of any municipality or the
34 board of supervisors of any county implements an anti-littering
35 ordinance pursuant to this section, and any person who is found
36 guilty of violating such ordinance shall, upon conviction, be
37 fined not less than Seven Hundred Fifty Dollars (\$750.00) nor more
38 than One Thousand Dollars (\$1,000.00). The proceeds of such fines
39 shall be expended by the collecting jurisdiction solely for the
40 purpose of funding local litter prevention programs or projects or
41 local or school litter education programs as recommended by the
42 statewide litter prevention program of Keep Mississippi Beautiful,
43 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) There shall be imposed and collected an assessment of
70 Fifty Dollars (\$50.00) on each violation of this section. The
71 assessment shall be deposited into the Law Enforcement Officers
72 Monument Fund created in Section 39-5-71. After the monument is
73 constructed, the assessment shall not be deposited into the fund.
74 The assessment shall then be deposited with the Postsecondary
75 Education Financial Assistance Board to be used for the
76 scholarship program for children of deceased or disabled law
77 enforcement officers and firemen as provided by Section 37-106-39.

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, 2023.

