

By: Posey

To: Highways and
Transportation

SENATE BILL NO. 2555
(As Passed the Senate)

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,
2 TO PROHIBIT THE DUMPING OF DEAD WILDLIFE, WILDLIFE PARTS OR WASTE
3 ON HIGHWAYS; 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:[LTR1]

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 shall put, throw or dump on the roads
17 and highways of this state, or within the limits of the
18 rights-of-way of such roads and highways, or upon any private
19 property, any dead wildlife, wildlife parts or waste, in addition
20 to being civilly liable for all damages caused by such act shall,
21 upon conviction, be guilty of a misdemeanor and punished as
22 provided by subsection (3) of 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

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

(3) Any person found guilty of the violation of this section shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00). The proceeds of such fines shall be expended by the collecting jurisdiction solely for the purpose of funding local litter prevention programs or projects or local or school litter education programs as recommended by the statewide litter prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

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

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

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

(7) Assessments collected under subsection (4) of Section

64 99-19-73 from persons convicted of a violation of this section
65 shall be deposited to the credit of the Statewide Litter
66 Prevention Fund created in Section 65-1-167.

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

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

72 SECTION 2. This act shall take effect and be in force from
73 and after July 1, 2000.