

By: Representative Ward

To: Transportation

HOUSE BILL NO. 527

1 AN ACT TO AMEND SECTION 97-15-29, MISSISSIPPI CODE OF 1972,  
2 TO REVISE THE PENALTY 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 the violation of this section  
31 shall, upon conviction, be fined not less than Fifty Dollars  
32 (\$50.00) nor more than Five Hundred Dollars (\$500.00). The  
33 proceeds of such fines shall be expended by the collecting  
34 jurisdiction solely for the purpose of funding local litter  
35 prevention programs or projects or local or school litter  
36 education programs as recommended by the statewide litter  
37 prevention program of Keep Mississippi Beautiful, Inc.

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

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

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

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

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

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

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

63           (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, 2005.