



# HOUSE BILL 104: Litter Definition Clarification.

2019-2020 General Assembly

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<b>Committee:</b>	House Transportation. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	March 19, 2019
<b>Introduced by:</b>	Rep. Torbett	<b>Prepared by:</b>	Howard Marsilio
<b>Analysis of:</b>	PCS to Second Edition H104-CSBG-12		Committee Counsel

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**OVERVIEW:** *The Proposed Committee Substitute (PCS) to House Bill 104 would clarify the definition of "litter", and would make further modifications to the law related to the criminal offense of littering.*

*The PCS clarifies an exception for the negligent spilling of insignificant amounts of municipal solid waste, yard waste, and nontoxic and biodegradable agriculture products and supplies by vehicles designed to transport those materials.*

**[As introduced, this bill was identical to S81, as introduced by Sen. T. Alexander, which is currently in Senate Rules and Operations of the Senate.]**

**CURRENT LAW:** G.S. 14-399 sets forth a range of offense classifications and punishment, depending on the amount and type of litter, for the purposes of the criminal offenses of littering. G.S. 14-399(i)(4) currently defines "litter"<sup>1</sup> for the purposes of this section, and lists categories of items which would be, and would not be, considered litter.

G.S. 14-399(a) prohibits the intentional or reckless blowing, scattering, spilling, throwing or placing or otherwise disposing of any litter upon any public property or private property. G.S. 14-399(a1) prohibits negligently blowing, scattering, spilling, throwing or placing or otherwise disposing of any litter upon any public property or private property.

Currently, the negligently littering prohibition does not apply to insignificant amounts of municipal solid waste resulting from the automated loading of a vehicle designed for municipal solid waste transportation when operated reasonably and according to manufacturer specifications.

Current law presumes an operator of a vehicle or water craft to have committed the offense when the litter is blown, scattered, spilled, thrown or placed from the vehicle or watercraft, but the presumption does not apply to vehicles transporting nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, wood chips, and raw logs.

**BILL ANALYSIS:** This bill would add the phrase "yard waste" to the definition of litter, and further defines the phrase "yard waste" which includes "grass clippings, leaves, shrubbery trimmings, and any

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<sup>1</sup> "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.

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# House PCS 104

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other plant material resulting from lawn maintenance and other horticultural gardening and landscaping activities."

The PCS expands the exception to negligent littering and clarifies that (a1) would not apply to small amounts of municipal solid waste, yard waste, and nontoxic and biodegradable agricultural products or supplies during the operation or automated loading or unloading of vehicles constructed and designed to transport those materials if operated reasonably and according to manufacturer specifications.

The prohibitions under subsection (a) and (a1) do not apply to the placement of yard waste on or near a curbside in accordance with an applicable local ordinance for collection by a yard waste collection service.

The bill would also remove a general exception for "nontoxic and biodegradable agricultural or garden products or supplies, including mulch, tree bark, and wood chips" for the purposes of subsection (c1).

**EFFECTIVE DATE:** This act would become effective December 1, 2019 and would apply to offenses committed on or after that date.