

April 5, 2001

S 1014. STRENGTHEN LITTERING LAWS. TO STRENGTHEN THE LITTERING LAWS.

Adds new GS 14-399.3 to make littering an infraction. Substantially incorporates the definitions and many of the provisions of GS.14-399, the statute that provides criminal sanctions for littering. Makes violation with amounts not exceeding 15 pounds and not for commercial purposes punishable by a penalty of \$25. Authorizes court to require community service of not less than four hours nor more than twelve. Makes violation with amounts exceeding 15 pounds but not 500 pounds and not for commercial purposes punishable by a penalty of \$50. Authorizes community service of not less than 12 hours nor more than 24 hours. Prohibits the assessment of court costs for a violation or the assessment of drivers license points or insurance surcharges. Provides that it is the duty of all law enforcement officers to enforce these provisions.

Amends GS 20-116(g) to provide that vehicles may not be driven on any highway if the vehicle contains any holes, cracks, openings through which any material may escape.

Adds new GS 136-28.11 to direct the N. C. Dep't of Transportation (NCDOT) to remove debris, trash, and litter from the highway and highway right-of-way before mowing or maintaining such an area and require such work to be done pursuant to any contract for maintenance that it enters into.

Adds GS 153A-136(6a) and amends GS 160A-185 to allow counties and cities to regulate the illegal disposal of solid waste, including littering, on public and private property, provide for enforcement by civil penalties and other remedies, and provide that such regulations may be enforced by specially appointed environmental officers.

Adds GS 163-22.3 and 163-33.3 to require the State Board of Elections to notify candidates for certain State and local offices about the provisions of GS 136-32 and GS 14-156 concerning campaign signs and to require the candidate to sign a pledge to comply with these statutes and applicable NCDOT rules.

Adds new GS 147-12(b) directing the Governor to be responsible for developing, coordinating, and implementing a state litter prevention and control program. Directs the Division of Motor Vehicles, the State Highway Patrol, each sheriff's department, and each police department to deliver semi-annual reports to the Governor on that agency's litter program. Makes first reports due Feb. 1, 2002. Directs the Governor to deliver a consolidated biannual report to the Environmental Review Comm'n, the Joint Legislative Transportation Oversight Committee, and the appropriations subcommittees on Natural and Economic Resources from each chamber. Makes first such report due March 1, 2002. Makes section of bill affecting sanctions effective Oct. 1, 2001.

Intro. by Albertson.

Ref. to Agriculture	GS 14, 136, 147, 153A, 160A, 163
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April 16, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. Senate committee substitute makes the following changes to 2nd edition. Deletes proposed new GS 14-399.3, making unintentional or nonreckless littering an infraction. Includes such an offense within GS 14-399, and makes violation in amount of up to 15 pounds an infraction punishable by penalty of not more than \$50 plus possibility of community service; violations involving larger amounts of litter carry same penalties as violations of existing GS 14-399 involving same amounts of litter. Directs State Board of Education to study ways to include topic of litter prevention in State's Standard Course of Study. Directs Dept. of Crime Control and Public Safety to make annual report to Environmental Management Comm'n on litter removal efforts of community service work program. Changes effective date for new offense and for election law changes from Oct. 1, 2001, to Dec. 1, 2001.

April 25, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. Senate amendment makes the following changes to 3rd edition. Revises GS 20-116(g) to provide that requirement for covering loads in trucks does not apply to a vehicle licensed for 7,500 pounds or less gross vehicle weight and deletes amendment to exemption for transportation of seed cotton, poultry, livestock, or silage.

June 18, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. House committee substitute makes the following changes to 4th edition. Makes stylistic change to GS 14-399(a1). Adds GS 14-399(a2) to provide that prohibition on littering does not apply to the accidental blowing, scattering, or spilling of an insignificant amount of municipal solid waste during the automated loading of a vehicle designed to transport municipal solid waste, if the vehicle is operated in a reasonable manner and according to manufacturer's specifications. Amends GS 14-399(c) to provide any second or subsequent violation of this section in amount not exceeding 15 pounds and not for commercial purposes within three years after the date of a prior violation is a Class 3 misdemeanor. Amends GS 14-399(c1) to increase infraction fine for littering of up to 15 pounds from \$50 to \$100 and to make fine for subsequent violation within three years punishable by fine of up to \$200 and community service of 8 to 24 hours. Adds GS 14-399(d1) to provide that person who litters in amount over 15 pounds but not more than 500 pounds is guilty of infraction punishable by fine of up to \$200 and community service of 8 to 24 hours. Adds GS 14-399(e1) to provide that person who litters in amount over 500 pounds is guilty of infraction punishable by fine of up to \$300 and community service of 16 to 50 hours. Adds GS 136-32.3 requiring Dep't of Transportation to place signs on interstate highways notifying motorists of penalties for littering. Requires report by Dep't of Crime Control and Public Safety to Environmental Review Comm'n by Sept. 1, 2001. Adds GS 130A-309.14(k) requiring Dep't of Transportation to provide and maintain recycling bins at highway rest areas and adds GS 130A-309.14(l) to define mixed office paper and sorted office paper. Amends GS 130A-309.14(a)(1) to require collection of listed materials for recycling on each floor of each building occupied by a state agency. Sections strengthening littering fines under GS 14-399 effective Dec. 1, 2001; sections requiring recycling at rest areas and state buildings under GS 130A-309.14 effective Jan. 1, 2002; remainder effective when act becomes law.

July 23, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. House committee substitute makes the following changes to 5th edition. Rewrites portion of GS 14-399 authorizing court to order violator to remove litter, repair property damaged by litter, or perform community service related to the removal of the litter that is subject of the charge to include any littering of 15 lbs or more, any amount for commercial purposes, or any amount of hazardous waste, whether the charge is a misdemeanor under GS 14-399(a) or infraction under GS 14-399(a1). Rewrites proposed amendment to GS 20-116(g) to provide that vehicles licensed for 7,500 or less gross vehicle weight that are loaded with rocks or similar substance that can leak or sift out of vehicle may not be driven on highway unless top of load is at least six inches from the top of the vehicle wall or is secured by a tarp or other covering. Deletes proposed amendment to GS 115C-12, which required State Board of Education to study ways of including litter prevention in public schools standard course of study. Amends GS 163-22.3 and 33.3 to delete requirement that candidates for state and local office sign pledge to comply with littering laws. Directs State Board of Education to report on recycling efforts of public schools to Joint Legislative Education Oversight Committee and the Environmental Review Comm'n for each year from 2003 through 2007. Amends GS 130A-309.14 to include requirement that Dep't of Transportation include signs at highway rest areas notifying public that recycling bins are available at the rest areas. Makes all provisions affecting Dep't of Transportation effective Jan. 1, 2001.

July 30, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. House amendments makes the following changes to 6th edition. Amendment #1 provides that recycling bins located in State buildings shall not be located in publicly traveled areas. Amendment #2 deletes sorted office paper and mixed office paper from list of materials for which recycling bins must be provided in highway rest areas, and adds provision that "sorted office paper" to be collected in State offices includes paper of high quality for recycling purposes such as copier paper, computer paper, letterhead, ledger, white envelopes and bond paper.

December 4, 2001

S 1014. STRENGTHEN LITTERING LAWS. Intro. 4/5/01. Conference report recommends the following changes to 7th edition to reconcile matters in controversy. Adopts the 7th edition (House Committee Substitute of 7/23/01) with the following changes. Rewrites GS 20-116(g) to place the regulation of trucks of any gross weight hauling sand in subsection (3) so that if a truck hauling sand is loaded above the 6-inch line, the load must be securely covered by a tarpaulin or some other covering, or the truck must be constructed to prevent any of the sand from leaking, blowing, or otherwise escaping. Rewrites GS 130A-309.14(a)(1) to delete the requirement that in state offices the recycling containers must be located away from publicly traveled areas and replace it with a requirement that the recycling containers be labeled to identify the types of materials to be placed in each container and that the containers for glass, plastic, and aluminum be located near trash receptacles. Sets the following effective dates: Section 1 (amendments to GS 14-399), March 1, 2002; section 2 [amendments to GS 20-116(g)], June 1, 2002; sections 3 (new GS 136-28.11, concerning coordinating litter removal with mowing), 4 (new GS 136-32.3, concerning the placement of signs on the Interstate Highway System stating the penalties for littering), 13, (new GS 130A-309.14(k), concerning the placement of recycling containers at highway rest areas, and 14 (amended GS 130A-309.14(a)(1), concerning the placement of recycling containers in state office buildings), Jan. 1, 2002; the remaining sections are effective when the act becomes law.