

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 104
Committee Substitute Favorable 3/6/19
PROPOSED COMMITTEE SUBSTITUTE H104-PCS10212-BG-12

Short Title: Litter Definition Clarification.

(Public)

Sponsors:

Referred to:

February 20, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO CLARIFY THAT THE TERM "LITTER" INCLUDES YARD WASTE.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 14-399 reads as rewritten:

5 "**§ 14-399. Littering.**

6 ...

7 (a2) Subsection (a1) of this section does not apply to the accidental blowing, scattering, or
8 spilling of an insignificant amount of ~~municipal solid waste, as defined in G.S. 130A-290(18a),~~
9 any of the following materials during the operation or automated loading or unloading of
10 vehicle designed and constructed to transport municipal solid waste any of the following
11 materials if the vehicle is operated in a reasonable manner and according to manufacturer
12 specifications.

13 (1) Municipal solid waste, as defined in G.S. 130A-290(18a).

14 (2) Yard waste.

15 (3) Nontoxic and biodegradable agricultural or garden products or supplies, such
16 as mulch, tree bark, and wood chips.

17 (a3) Subsections (a) and (a1) of this section do not apply to the placement of yard waste
18 on or near a curbside in accordance with the applicable local ordinance for collection by a yard
19 waste collection service. For purposes of this section, the term "yard waste" includes grass
20 clippings, leaves, shrubbery trimmings, and any other plant material resulting from lawn
21 maintenance and other horticultural gardening and landscaping activities.

22 ...

23 (c1) Any person who violates subsection (a1) of this section in an amount not exceeding
24 15 pounds is guilty of an infraction punishable by a fine of not more than one hundred dollars
25 (\$100.00). In addition, the court may require the violator to perform community service of not
26 less than four hours nor more than 12 hours. The community service required shall be to pick up
27 litter if feasible, and if not feasible, to perform other labor commensurate with the offense
28 committed. Any second or subsequent violation of subsection (a1) of this section in an amount
29 not exceeding 15 pounds within three years after the date of a prior violation is an infraction
30 punishable by a fine of not more than two hundred dollars (\$200.00). In addition, the court may
31 require the violator to perform community service of not less than eight hours nor more than 24
32 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to
33 perform other labor commensurate with the offense committed. ~~For purposes of this subsection,~~
34 ~~the term "litter" shall not include nontoxic and biodegradable agricultural or garden products or~~
35 ~~supplies, including mulch, tree bark, and wood chips.~~



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1 ...
2 (i) For the purpose of the section, unless the context requires otherwise:
3 ...
4 (4) "Litter" means any garbage, rubbish, trash, refuse, yard waste, can, bottle, box,
5 container, wrapper, paper, paper product, tire, appliance, mechanical
6 equipment or part, building or construction material, tool, machinery, wood,
7 motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or
8 equipment, sludge from a waste treatment facility, water supply treatment
9 plant, or air pollution control facility, dead animal, or discarded material in
10 any form resulting from domestic, industrial, commercial, mining,
11 agricultural, or governmental operations. While being used for or distributed
12 in accordance with their intended uses, "litter" does not include political
13 pamphlets, handbills, religious tracts, newspapers, and other similar printed
14 materials the unsolicited distribution of which is protected by the Constitution
15 of the United States or the Constitution of North Carolina.
16"
17 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
18 committed on or after that date.