

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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SENATE BILL DRS35070-MWa-36B*

Short Title: Highway Cleanup Act of 2021. (Public)

Sponsors: Senators Craven, Proctor, and Lazzara (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENACT THE HIGHWAY CLEANUP ACT OF 2021.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Title of Act. – This act shall be known as "The Highway Cleanup Act
5 of 2021."

6 **SECTION 2.** Increase Penalties for Littering. – G.S. 14-399 reads as rewritten:
7 **"§ 14-399. Littering.**

8 ...
9 (c) Any person who violates subsection (a) of this section in an amount not exceeding 15
10 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a fine
11 of not less than ~~two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000)~~
12 five hundred dollars (\$500.00) nor more than two thousand dollars (\$2,000) for the first offense.
13 In addition, the court may require the violator to perform community service of not less than
14 eight hours nor more than 24 hours. The community service required shall be to pick up litter if
15 feasible, and if not feasible, to perform other labor commensurate with the offense committed.
16 Any second or subsequent violation of subsection (a) of this section in an amount not exceeding
17 15 pounds and not for commercial purposes within three years after the date of a prior violation
18 is a Class 3 misdemeanor punishable by a fine of not less than ~~five hundred dollars (\$500.00) nor~~
19 ~~more than two thousand dollars (\$2,000).~~ one thousand dollars (\$1,000) nor more than four
20 thousand dollars (\$4,000). In addition, the court may require the violator to perform community
21 service of not less than 16 hours nor more than 50 hours. The community service required shall
22 be to pick up litter if feasible, and if not feasible, to perform other labor commensurate with the
23 offense committed.

24 (c1) Any person who violates subsection (a1) of this section in an amount not exceeding
25 15 pounds is guilty of an infraction punishable by a fine of not more than ~~one hundred dollars~~
26 ~~(\$100.00).~~ two hundred dollars (\$200.00). In addition, the court may require the violator to
27 perform community service of not less than four hours nor more than 12 hours. The community
28 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor
29 commensurate with the offense committed. Any second or subsequent violation of subsection
30 (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a
31 prior violation is an infraction punishable by a fine of not more than ~~two hundred dollars~~
32 ~~(\$200.00).~~ four hundred dollars (\$400.00). In addition, the court may require the violator to
33 perform community service of not less than eight hours nor more than 24 hours. The community
34 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor
35 commensurate with the offense committed. For purposes of this subsection, the term "litter" shall



1 not include nontoxic and biodegradable agricultural or garden products or supplies, including
2 mulch, tree bark, and wood chips.

3 (d) Any person who violates subsection (a) of this section in an amount exceeding 15
4 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3
5 misdemeanor punishable by a fine of not less than ~~five hundred dollars (\$500.00) nor more than~~
6 ~~two thousand dollars (\$2,000).~~ one thousand dollars (\$1,000) nor more than four thousand dollars
7 (\$4,000). In addition, the court shall require the violator to perform community service of not
8 less than 24 hours nor more than 100 hours. The community service required shall be to pick up
9 litter if feasible, and if not feasible, to perform other community service commensurate with the
10 offense committed.

11 (d1) Any person who violates subsection (a1) of this section in an amount exceeding 15
12 pounds but not exceeding 500 pounds is guilty of an infraction punishable by a fine of not more
13 than ~~two hundred dollars (\$200.00).~~ four hundred dollars (\$400.00). In addition, the court may
14 require the violator to perform community service of not less than eight hours nor more than 24
15 hours. The community service required shall be to pick up litter if feasible, and if not feasible, to
16 perform other labor commensurate with the offense committed.

17 ...

18 (e1) Any person who violates subsection (a1) of this section in an amount exceeding 500
19 pounds is guilty of an infraction punishable by a fine of not more than ~~three hundred dollars~~
20 ~~(\$300.00).~~ six hundred dollars (\$600.00). In addition, the court may require the violator to
21 perform community service of not less than 16 hours nor more than 50 hours. The community
22 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor
23 commensurate with the offense committed.

24 ...

25 (h) If a person sustains damages arising out of a violation of subsection (a) of this section
26 that is punishable as a felony, a court, in a civil action for the damages, shall order the person to
27 pay the injured party threefold the actual damages or ~~two hundred dollars (\$200.00),~~ four hundred
28 dollars (\$400.00), whichever amount is greater. In addition, the court shall order the person to
29 pay the injured party's court costs and attorney's fees.

30"

31 **SECTION 2.** Establish "Cops Clean NC" Grant Program for Rural Counties. – Of
32 the funds appropriated in S.L. 2020-91 from the Highway Fund to the Department of
33 Transportation for the 2020-2021 fiscal year, the Department of Transportation shall use five
34 hundred thousand dollars (\$500,000) to establish the "Cops Clean NC" grant program. The
35 Department shall award grant funds to sheriffs' offices located in rural counties to provide
36 officers overtime pay for litter cleanup efforts. The maximum grant amount for an eligible county
37 shall be no more than ten thousand dollars (\$10,000). The Department shall provide participating
38 sheriffs' offices education materials containing information on the penalties of littering and other
39 relevant information to encourage the public to keep North Carolina roads clean. These materials
40 shall be distributed to first-time offenders. For purposes of this section, the term "rural county"
41 means a county with a population of less than 150,000.

42 **SECTION 3.** Raise Awareness of Anti-Litter Programs. – Of the funds appropriated
43 in S.L. 2020-91 from the Highway Fund to the Department of Transportation for the 2020-2021
44 fiscal year, the Department of Transportation shall use five hundred thousand dollars (\$500,000)
45 to raise awareness and program participation, through marketing and advertising, in the following
46 anti-litter programs:

- 47 (1) Adopt-A-Highway
- 48 (2) Litter Sweep
- 49 (3) Sponsor-A-Highway
- 50 (4) Swat-A-Litter Bug
- 51 (5) Cops Clean NC

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SECTION 4. Effective Date. – This act is effective when it becomes law.