



1 (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or  
2 watercraft, the operator thereof shall be presumed to have committed the offense. This  
3 presumption, however, does not apply to a vehicle transporting nontoxic and biodegradable  
4 agricultural or garden products or supplies, including mulch, tree bark, wood chips, and raw  
5 logs.

6 (c) Any person who violates subsection (a) of this section in an amount not exceeding  
7 15 pounds and not for commercial purposes is guilty of a Class 3 misdemeanor punishable by a  
8 fine of not less than ~~two hundred fifty dollars (\$250.00)~~ one thousand dollars (\$1,000) nor more  
9 than ~~one thousand dollars (\$1,000)~~ four thousand dollars (\$4,000) for the first offense. In  
10 addition, the court may require the violator to perform community service of not less than eight  
11 hours nor more than 24 hours. The community service required shall be to pick up litter if  
12 feasible, and if not feasible, to perform other labor commensurate with the offense committed.  
13 Any second or subsequent violation of subsection (a) of this section in an amount not  
14 exceeding 15 pounds and not for commercial purposes within three years after the date of a  
15 prior violation is a Class 3 misdemeanor punishable by a fine of not less than ~~five hundred~~  
16 ~~dollars (\$500.00)~~ two thousand dollars (\$2,000) nor more than ~~two thousand dollars (\$2,000)~~  
17 eight thousand dollars (\$8,000). In addition, the court may require the violator to perform  
18 community service of not less than 16 hours nor more than 50 hours. The community service  
19 required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
20 commensurate with the offense committed.

21 (c1) Any person who violates subsection (a1) of this section in an amount not exceeding  
22 15 pounds is guilty of an infraction punishable by a fine of not more than ~~one hundred dollars~~  
23 ~~(\$100.00)~~ one thousand dollars (\$1,000). In addition, the court may require the violator to  
24 perform community service of not less than four hours nor more than 12 hours. The community  
25 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
26 commensurate with the offense committed. Any second or subsequent violation of subsection  
27 (a1) of this section in an amount not exceeding 15 pounds within three years after the date of a  
28 prior violation is an infraction punishable by a fine of not more than ~~two hundred dollars~~  
29 ~~(\$200.00)~~ two thousand dollars (\$2,000). In addition, the court may require the violator to  
30 perform community service of not less than eight hours nor more than 24 hours. The  
31 community service required shall be to pick up litter if feasible, and if not feasible, to perform  
32 other labor commensurate with the offense committed. For purposes of this subsection, the  
33 term "litter" shall not include nontoxic and biodegradable agricultural or garden products or  
34 supplies, including mulch, tree bark, and wood chips.

35 (d) Any person who violates subsection (a) of this section in an amount exceeding 15  
36 pounds but not exceeding 500 pounds and not for commercial purposes is guilty of a Class 3  
37 misdemeanor punishable by a fine of not less than ~~five hundred dollars (\$500.00)~~ two thousand  
38 dollars (\$2,000) nor more than ~~two thousand dollars (\$2,000)~~ eight thousand dollars (\$8,000).  
39 In addition, the court shall require the violator to perform community service of not less than  
40 24 hours nor more than 100 hours. The community service required shall be to pick up litter if  
41 feasible, and if not feasible, to perform other community service commensurate with the  
42 offense committed.

43 (d1) Any person who violates subsection (a1) of this section in an amount exceeding 15  
44 pounds but not exceeding 500 pounds is guilty of an infraction punishable by a fine of not more  
45 than ~~two hundred dollars (\$200.00)~~ two thousand dollars (\$2,000). In addition, the court may  
46 require the violator to perform community service of not less than eight hours nor more than 24  
47 hours. The community service required shall be to pick up litter if feasible, and if not feasible,  
48 to perform other labor commensurate with the offense committed.

49 (e) Any person who violates subsection (a) of this section in an amount exceeding 500  
50 pounds or in any quantity for commercial purposes, or who discards litter that is a hazardous  
51 waste as defined in G.S. 130A-290 is guilty of a Class I felony.

1 (e1) Any person who violates subsection (a1) of this section in an amount exceeding 500  
2 pounds is guilty of an infraction punishable by a fine of not more than ~~three hundred dollars~~  
3 ~~(\$300.00)~~ three thousand dollars (\$3,000). In addition, the court may require the violator to  
4 perform community service of not less than 16 hours nor more than 50 hours. The community  
5 service required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
6 commensurate with the offense committed.

7 (e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding  
8 15 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous  
9 waste as defined in G.S. 130A-290, the court shall order the violator to:

- 10 (1) Remove, or render harmless, the litter that he discarded in violation of this  
11 section;
- 12 (2) Repair or restore property damaged by, or pay damages for any damage  
13 arising out of, his discarding litter in violation of this section; or
- 14 (3) Perform community public service relating to the removal of litter discarded  
15 in violation of this section or to the restoration of an area polluted by litter  
16 discarded in violation of this section.

17 (f) A court may enjoin a violation of this section.

18 (f1) If a violation of subsection (a) of this section involves the operation of a motor  
19 vehicle, upon a finding of guilt, the court shall forward a record of the finding to the  
20 Department of Transportation, Division of Motor Vehicles, which shall record a penalty of one  
21 point on the violator's drivers license pursuant to the point system established by G.S. 20-16.  
22 There shall be no insurance premium surcharge or assessment of points under the classification  
23 plan adopted under G.S. 58-36-65 for a finding of guilt under this section.

24 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine involved in the  
25 disposal of more than 500 pounds of litter in violation of subsection (a) of this section is  
26 declared contraband and is subject to seizure and summary forfeiture to the State.

27 (h) If a person sustains damages arising out of a violation of subsection (a) of this  
28 section that is punishable as a felony, a court, in a civil action for the damages, shall order the  
29 person to pay the injured party threefold the actual damages or ~~two hundred dollars~~  
30 ~~(\$200.00)~~ one thousand dollars (\$1,000), whichever amount is greater. In addition, the court  
31 shall order the person to pay the injured party's court costs and attorney's fees.

32 (i) For the purpose of the section, unless the context requires otherwise:

- 33 (1) "Aircraft" means a motor vehicle or other vehicle that is used or designed to  
34 fly, but does not include a parachute or any other device used primarily as  
35 safety equipment.
- 36 (2) Repealed by Session Laws 1999-454, s. 1.
- 37 (2a) "Commercial purposes" means litter discarded by a business, corporation,  
38 association, partnership, sole proprietorship, or any other entity conducting  
39 business for economic gain, or by an employee or agent of the entity.
- 40 (3) "Law enforcement officer" means any law enforcement officer sworn and  
41 certified pursuant to Chapter 17C or 17E of the General Statutes, except  
42 company police officers as defined in G.S. 74E-6(b)(3). In addition, and  
43 solely for the purposes of this section, "law enforcement officer" means any  
44 employee of a county or municipality designated by the county or  
45 municipality as a litter enforcement officer.
- 46 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box,  
47 container, wrapper, paper, paper product, tire, appliance, mechanical  
48 equipment or part, building or construction material, tool, machinery, wood,  
49 motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or  
50 equipment, sludge from a waste treatment facility, water supply treatment  
51 plant, or air pollution control facility, dead animal, or discarded material in

- 1 any form resulting from domestic, industrial, commercial, mining,  
2 agricultural, or governmental operations. While being used for or distributed  
3 in accordance with their intended uses, "litter" does not include political  
4 pamphlets, handbills, religious tracts, newspapers, and other similar printed  
5 materials the unsolicited distribution of which is protected by the  
6 Constitution of the United States or the Constitution of North Carolina.
- 7 (5) "Vehicle" has the same meaning as in G.S. 20-4.01(49).  
8 (6) "Watercraft" means any boat or vessel used for transportation across the  
9 water.
- 10 (j) It shall be the duty of all law enforcement officers to enforce the provisions of this  
11 section.
- 12 (k) This section does not limit the authority of any State or local agency to enforce  
13 other laws, rules or ordinances relating to litter or solid waste management."
- 14 **SECTION 2.** This act becomes effective December 1, 2011, and applies to  
15 offenses committed on or after that date.