

STATE LITTER LAWS

What is Litter?

Section 39-14-501: *Litter* includes garbage, refuse, rubbish and all other waste material, including a tobacco product and any other item primarily designed to hold or filter a tobacco product while the tobacco is being smoked;

- *Garbage* - putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.
- *Refuse* - all putrescible and nonputrescible solid waste.
- *Rubbish* - nonputrescible solid waste consisting of both combustible and noncombustible waste.

What Acts Constitute Littering?

Section 39-14-502(a): Act of Littering

A person commits littering who:

- (1) *Knowingly* places, drops or throws litter on any public or private property without permission and does not immediately remove it;
- (2) *Negligently* places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
- (3) *Negligently* discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.

Sec. 39-14-502(b): Presumption of guilt if litter thrown from motor vehicle. Whenever litter is placed, dropped, or thrown from any motor vehicle, boat, airplane, or other conveyance in violation of this section, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that the operator of the conveyance has committed littering.

Sec. 39-14-502(c): Presumption of guilt if litter found bearing person's name. Whenever litter discovered on public or private property is found to contain any article or articles, including, but not limited to, letters, bills, publications, or other writings that display the name of a person in such a manner as to indicate that the article belongs or belonged to that person, the trier of fact may, in its discretion and in consideration of the totality of the circumstances, infer that the person has committed littering.

Section 39-14-507: Secured Load Law

- (1) Any motor vehicle that transports litter or any material likely to fall or be blown off onto the highways shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.
- (2) Private pickup truck load must be secured to reasonably ensure not to fall or blow off.
- (3) Exceptions:
 - a) Must be enclosed: Trucks hauling litter to energy Recovery Facility
 - b) Need not be enclosed or fully covered:

- Recovered materials to convenience center or dealer for recycling
- Transporting sand, rock, stone, lime, and soil with 4" load line.
- Transporting produce to market, fields or storage

What are the Consequences of Littering?

Section 39-14-503: Mitigated Criminal Littering

Volume of Litter - Five pounds or less; 7.5 cubic feet or less

Offense - Class C Misdemeanor

Penalty - \$50 fine, court cost and shall do public service pickup for up to 40 hours; and may do work in recycling center up to eight hours.

Section 39-14-504: Criminal Littering

Volume of Litter - All littering between five and 10 pounds

Offense - Class B misdemeanor

Penalty - \$500 fine, court cost and shall do public service pickup for up to 80 hours; may do work in recycling center up to eight hours; and may do up to six months jail time.

Secured load litter

Offense - Class B misdemeanor.

Penalty - \$500 fine, court cost and shall do public service pickup for up to 40 hours and may do work in recycling center up to eight hours.

Section 39-14-505: Aggravated Criminal Littering

Misdemeanor

Volume of Litter - 10 pounds or more; 15 cubic feet or more; any amount commercially dumped.

Offense - Class A Misdemeanor

Penalty - Up to \$2,500 fine, court cost and shall do public service pickup for up to 160 hours; may do work in recycling center up to eight hours; may be required to clean/restore damaged property; and may be required to do up to 11 months 29 days in jail.

Felony

Offense - Class E Felony under the following circumstances:

3rd offense of over 10 pounds

2nd offense of over 1,000 pounds

2nd offense of commercially dumped litter in any amount

Penalty - Not less than 1 year nor more than 6 years in jail; a fine not to exceed \$3,000, unless statute provides otherwise; litter removal for not more than 160 hours; and may be required to work in a recycling center not more than 8 hours.