

035019822

HOUSE BILL NO. 1398

House Amendments in [] — February 3, 2003

A *BILL to amend and reenact § 33.1-346 of the Code of Virginia, relating to enhanced enforcement of litter laws via the suspension of driving privileges and community service.*

Patron Prior to Engrossment—Delegate Lingamfelter

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:**1. That § 33.1-346 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-346. Dumping trash, etc., on highway, right-of-way or private property; penalty.

A. It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter, or other unsightly matter, on public property, including a public highway, right-of-way, property adjacent to such highway or right-of-way, or on private property without the written consent of the owner thereof or his agent. ~~Any violation of this subsection shall constitute a misdemeanor punishable by confinement in jail for not more than twelve months and a fine of not less than \$250 or more than \$2,500, either or both.~~

B. When any person is arrested for a violation of this section, and the matter alleged to have been illegally dumped or disposed of has been ejected from a motor vehicle or transported to the disposal site in a motor vehicle, the arresting officer may comply with the provisions of § 46.2-936 in making such arrest.

When a violation of the provisions of this section has been observed by any person, and the matter illegally dumped or disposed of has been ejected or removed from a motor vehicle, the owner or operator of such motor vehicle shall be presumed to be the person ejecting or disposing of such matter. However, such presumption shall be rebuttable by competent evidence.

C. Any person convicted of a violation of this ~~subsection~~ section shall be guilty of a misdemeanor punishable by confinement in jail for not more than twelve months and a fine of not less than \$250 or more than \$2,500, either or both.

[*In lieu of the imposition of confinement in jail, the court may order the defendant to perform up to 24 hours of community service in litter abatement activities.*] [~~*Additionally, any person convicted of a violation of this section may be ordered to perform up to 100 hours of community service in litter abatement activities or have his driving privileges in the Commonwealth suspended for up to one year.*~~]

~~C.~~ D. The governing bodies of counties, cities and towns are hereby authorized to adopt ordinances not in conflict with the provisions of this section, and may repeal, amend or modify such ordinances.

~~D.~~ E. The provisions of this section shall not apply to the lawful disposal of such matter in landfills.

ENGROSSED

HB1398E