

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1398]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 33.1-346 of the Code of Virginia is amended and reenacted as follows:**

8 § 33.1-346. Dumping trash, etc., on highway, right-of-way or private property; penalty.

9 A. It shall be unlawful for any person to dump or otherwise dispose of trash, garbage, refuse, litter,  
10 or other unsightly matter, on public property, including a public highway, right-of-way, property  
11 adjacent to such highway or right-of-way, or on private property without the written consent of the  
12 owner thereof or his agent. ~~Any violation of this subsection shall constitute a misdemeanor punishable~~  
13 ~~by confinement in jail for not more than twelve months and a fine of not less than \$250 or more than~~  
14 ~~\$2,500, either or both.~~

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

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

23 C. Any person convicted of a violation of this ~~subsection~~ section shall be guilty of a misdemeanor  
24 punishable by confinement in jail for not more than ~~twelve~~ 12 months and a fine of not less than \$250  
25 or more than \$2,500, either or both.

26 *In lieu of the imposition of confinement in jail, the court may order the defendant to perform*  
27 *community service in litter abatement activities.*

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

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

ENROLLED

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