

Regular Session, 2014

HOUSE BILL NO. 1075 (Substitute for House Bill No. 910 by Representative Connick)

BY REPRESENTATIVE CONNICK

ENVIRONMENT/LITTERING: Provides for disposing of cigarettes and cigarette butts as litter

1 AN ACT

2 To amend and reenact R.S. 30:2522(4) and to enact R.S. 30:2531(A)(3), relative to litter; to
3 provide for the definition of litter; to provide for penalties for cigarettes and cigarette
4 butts littering; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:2522(4) is hereby amended and reenacted and R.S. 30:2531(A)(3)
7 is hereby enacted to read as follows:

8 §2522. Definitions

9 As used in this Part, the following words have the meanings ascribed to them
10 unless the context requires otherwise:

11 * * *

12 (4) "Litter" means all waste material except as provided and defined in R.S.
13 30:2173(2), including but not limited to disposable packages, containers, sand,
14 gravel, rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, debris,
15 dead animals, furniture or appliances, automotive parts including but not limited to
16 tires and engines, trailers, boats and boating accessories, tools and equipment, and
17 building materials, roofing nails, or other discarded materials of any kind and
18 description. While being used for or distributed in accordance with their intended
19 uses, litter shall not include political pamphlets, handbills, religious tracts and

1 newspapers, and other similar printed materials, the unsolicited distribution of which
 2 is protected by the Constitution of the United States or the Constitution of Louisiana.
 3 Litter shall not include agricultural products that are being transported from the
 4 harvest or collection site to a processing or market site if reasonable measures are
 5 taken to prevent the agricultural product from leaving the transporting vehicle. Litter
 6 shall also not include recyclable cardboard being transported in compressed bundles
 7 to processing facilities. "Agricultural product" as used in this definition means all
 8 crops, livestock, poultry, and forestry, and all aquacultural, floracultural,
 9 horticultural, silvicultural, and viticultural products.

10 * * *

11 §2531. Intentional littering prohibited; criminal penalties; simple littering
 12 prohibited; civil penalties; special court costs

13 A.

14 * * *

15 (3) Whoever violates the provisions of this Subsection by the intentional
 16 disposal or permitting the disposal of cigarettes or cigarette butts from a motor
 17 vehicle shall:

18 (a) Upon first conviction, be fined three hundred dollars and sentenced to
 19 serve eight hours of community service in a litter abatement work program as
 20 approved by the court.

21 (b) Upon second conviction, be fined seven hundred dollars and sentenced
 22 to serve sixteen hours of community service in a litter abatement work program as
 23 approved by the court.

24 (c) Upon third or subsequent conviction, be fined one thousand five hundred
 25 dollars, have his motor vehicle driver's license suspended for one year, and be
 26 sentenced to serve eighty hours of community service in a litter abatement work
 27 program as approved by the court, or all or any combination of the penalties
 28 provided by this Subparagraph.

29 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Connick

HB No. 1075

Abstract: Provides for enhanced penalties for littering cigarettes or cigarette butts from a motor vehicle.

Proposed law adds cigarettes and cigarette butts to the definition of litter.

Proposed law increases the penalties for the intentional disposal or permitting the disposal of cigarettes or cigarette butts from a motor vehicle as follows:

- (a) Changes the first offense from \$250 to \$300; retains eight hours of community service in a litter abatement program.
- (b) Changes the second offense from \$500 to \$700; retains 16 hours of community service in a litter abatement program.
- (c) Changes the third and subsequent offense from \$1,250 to \$1,500; retains 80 hours of community service in a litter abatement program and suspension of driver's license for one year.

(Amends R.S. 30:2522(4); Adds R.S. 30:2531(A)(3))