

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

S

2

SENATE BILL 207
Judiciary Committee Substitute Adopted 4/30/25

Short Title: Litter Law/Rebuttable Presumption.

(Public)

Sponsors:

Referred to:

March 3, 2025

A BILL TO BE ENTITLED
AN ACT TO CREATE A REBUTTABLE PRESUMPTION THAT A PERSON COMMITTED
THE INFRACTION OF LITTERING IF THE LITTER INCLUDES DOCUMENTS OR
OBJECTS THAT CLEARLY BEAR THE NAME OF THE PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-399 reads as rewritten:

"§ 14-399. Littering.

(a) No person, including any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street or alley ~~except~~except in either of the following situations:

(1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this ~~purpose~~purpose.

(2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

(a1) No person, including any firm, organization, private corporation, or governing body, agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake, river, ocean, beach, campground, forestland, recreational area, trailer park, highway, road, street, or alley ~~except~~except in either of the following situations:

(1) When the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and the person is authorized to use the property for this ~~purpose~~purpose.

(2) Into a litter receptacle in a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of the private or public property or waters.

...

(b1) Any litter found that includes documents or objects clearly bearing the name of a person, including bank statements, utility bills, bank card bills, medical bills, prescription bottles,



* S 2 0 7 - V - 2 *

and other financial or medical documents or objects, shall create a permissive rebuttable presumption that the person whose name appears on the document violated subsection (a1) of this section. Advertising, marketing, and campaign materials and literature shall not be sufficient to create a rebuttable presumption under this subsection.

...

(e2) If any person violates subsection (a) or (a1) of this section in an amount exceeding 10 pounds or in any quantity for commercial purposes, or discards litter that is a hazardous waste as defined in G.S. 130A-290, the court shall order the violator ~~to do any of the following~~:

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

...

(i) For the purpose of the section, unless the context requires ~~otherwise~~; otherwise, all of the following definitions apply:

- (1) ~~"Aircraft" means a Aircraft.~~ – A motor vehicle or other vehicle that is used or designed to fly, but does not include a parachute or any other device used primarily as safety equipment.
- (2) Repealed by Session Laws 1999-454, s. 1.
- (2a) ~~"Commercial purposes" means litter~~ Commercial purposes. – Litter discarded by a business, corporation, association, partnership, sole proprietorship, or any other entity conducting business for economic gain, or by an employee or agent of the entity.
- (3) ~~"Law enforcement officer" means any~~ Law enforcement officer. – Any law enforcement officer sworn and certified pursuant to Article 1 of Chapter 17C or 17E of the General Statutes, except company police officers as defined in G.S. 74E-6(b)(3). In addition, and solely for the purposes of this section, "law enforcement officer" means any employee of a county or municipality designated by the county or municipality as a litter enforcement officer.
- (4) ~~"Litter" means any~~ Litter. – Any garbage, rubbish, trash, refuse, can, bottle, box, container, wrapper, paper, paper product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, vessel, aircraft, farm machinery or equipment, sludge from a waste treatment facility, water supply treatment plant, or air pollution control facility, dead animal, or discarded material in any form resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. While being used for or distributed in accordance with their intended uses, "litter" does not include political pamphlets, handbills, religious tracts, newspapers, and other similar printed materials the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of North Carolina.
- (5) ~~"Vehicle" has the same meaning as~~ Vehicle. – As defined in G.S. 20-4.01(49).
- (6) ~~"Watercraft" means any~~ Watercraft. – Any boat or vessel used for transportation across the water.

...."

SECTION 2. This act becomes effective December 1, 2025, and applies to offenses committed on or after that date.