

House Bill 1343

By: Representatives Burkhalter of the 41st, Walker of the 141st, Campbell of the 42nd, Jamieson of the 22nd and Ashe of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to
2 littering public or private property or waters, so as to change certain provisions relating to
3 punishment for violations; to amend Chapter 21 of Title 15 of the Official Code of Georgia
4 Annotated, relating to payment and disposition of fines, so as to provide for additional
5 penalties in traffic cases in which fines are paid to local governments which shall be used for
6 litter removal and beautification and related educational programs; to amend Article 11 of
7 Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous
8 provisions of the uniform rules of the road, so as to change certain provisions relating to
9 littering highways; to amend Chapter 2 of Title 41 of the Official Code of Georgia
10 Annotated, relating to abatement of nuisances generally, so as to authorize certain public
11 officers to enforce littering laws; to provide a short title; to repeal conflicting laws; and for
12 other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 This Act shall be known and may be cited as the "Georgia Clean Communities Act of 2002."

16 **SECTION 2.**

17 Code Section 16-7-43 of the Official Code of Georgia Annotated, relating to littering public
18 or private property or waters, is amended by striking subsection (b) and inserting in lieu
19 thereof the following:

20 "(a.1) Any person who violates subsection (a) of this Code section for the first time shall
21 not be guilty of a criminal offense but shall be subject to a civil penalty of \$200.00.

22 (b) Any person who violates subsection (a) of this Code section a second or subsequent
23 time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as
24 follows:

25 (1) By a fine of not less than ~~\$100.00~~ \$200.00 nor more than \$1,000.00; and

SECTION 4.

Article 11 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to miscellaneous provisions of the uniform rules of the road, is amended by striking Code Section 40-6-249, relating to littering highways, and inserting in lieu thereof the following:

"40-6-249.

A person littering a highway in violation of Part 2 of Article 2 of Chapter 7 of Title 16, the 'Litter Control ~~Law,~~ Law':

(1) For the first such violation shall be subject to a civil penalty as provided in Code Section 16-7-43; and

(2) For a second or subsequent such violation shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Code Section 16-7-43."

SECTION 5.

Chapter 2 of Title 41 of the Official Code of Georgia Annotated, relating to abatement of nuisances generally, is amended by adding a new Code Section 41-2-18 to read as follows:

"41-2-18.

Public officers, as defined in paragraph (10) of Code Section 41-2-8, shall be authorized to enforce and issue citations for violations of Code Sections 16-7-43 and 40-6-249."

SECTION 6.

All laws and parts of laws in conflict with this Act are repealed.