

ASSEMBLY, No. 3786

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

SYNOPSIS

Increases fines for littering; requires DOT to develop program for litter reporting.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning littering, supplementing Title 39 of the Revised
2 Statutes, and amending R.S.39:4-63, R.S.39:4-64, and P.L.1985,
3 c.533.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. (New section) No later than one year after the effective date
9 of this section, the Department of Transportation shall develop a
10 program which allows persons to report acts of littering to the
11 department. The program shall allow a person to report littering by
12 phone and electronically, including on the department's Internet
13 website or on an application capable of running on mobile
14 electronic devices. The electronic means of reporting shall include
15 the ability for a person to transmit images to the department. The
16 department shall review all reports submitted under the program
17 and, if deemed credible, shall send a formal notification to the
18 person deemed to have littered, which informs the person about the
19 littering offense and the penalties associated with littering, and
20 urges the person to help keep New Jersey clean.

21
22 2. Section 8 of P.L.1985, c.533 (C.13:1E-99.3) is amended to
23 read as follows:

24 8. a. A person who throws, drops, discards or otherwise places
25 any litter of any nature upon public or private property other than in
26 a litter receptacle commits a petty disorderly persons offense, and
27 notwithstanding the provisions of N.J.S.2C:43-3 to the contrary, for
28 every such offense shall be fined not less than **[\$100]** \$200 or more
29 than **[\$500]** \$600 . The Superior Court and every municipal court
30 shall have jurisdiction to enforce this section. The State or any
31 municipality may institute proceedings under this section. If a
32 money judgment is rendered against a defendant, all but \$100 of the
33 payment made to the court shall be remitted to the chief financial
34 officer of the municipality wherein the violation occurred, to be
35 used by the municipality to help finance litter control activities in
36 addition to or supplementing existing litter pickup and removal
37 activities in the municipality. The remaining \$100 shall be remitted
38 to the Department of Transportation to fund the litter reporting
39 program developed pursuant to section 1 of P.L. , c. (C.)
40 (pending before the Legislature as this bill).

41 b. If a person violates subsection a. of this section the court, in
42 addition to any penalty imposed under that subsection, may direct
43 the person to perform community service, including litter pickup
44 and removal from any public property, or any private property with
45 permission of the owner, upon which the person deposited litter, for
46 a term of not less than 20 hours nor more than 40 hours.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 c. A person who is convicted of an offense under subsection a.
2 of this section within six months after the date of a previous
3 conviction thereunder shall be sentenced to pay a fine not less than
4 \$250 or more than \$1,000, may be sentenced to imprisonment for a
5 definite term not to exceed 60 days, and may be directed to perform
6 community service, including litter pickup and removal from any
7 public property or from any private property if permission of the
8 owner has been granted, for a term of not less than 40 nor more than
9 80 hours.

10 (cf: P.L.2001, c.78, s.1)

11
12 3. R.S.39:4-63 is amended to read as follows:

13 39:4-63. A person who throws, places or deposits, or who
14 permits to be thrown, placed, or deposited from a motor vehicle,
15 any glass or other sharp, injurious or cutting substance in or upon a
16 public highway of this State shall, except when acting under the
17 authority of the governing body of a municipality, be punished by a
18 fine of not less than ~~[\$100.00]~~ \$200 nor more than ~~[\$500.00]~~ \$600
19 and may forfeit his right to operate a motor vehicle over the
20 highways of this State for a period of 30 days. For each fine
21 collected pursuant to this section, \$100 shall be remitted to the
22 Department of Transportation to fund the litter reporting program
23 developed pursuant to section 1 of P.L. , c. (C.) (pending
24 before the Legislature as this bill).

25 (cf: P.L.1980, c.100, s.1)

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27 4. R.S.39:4-64 is amended to read as follows:

28 39:4-64. a. No person shall throw or drop any bundle, object,
29 article or debris of any nature from a vehicle whether in motion or
30 not when such vehicle is on a highway. The words "object, article
31 or debris of any nature" as used in this section shall be deemed to
32 include a cigarette, cigar, match, or ashes, or any substance or thing
33 in and of itself likely to cause or fuel a fire, but such inclusion shall
34 not be deemed to in any way limit the generality of the words
35 "object, article or debris of any nature." Any person who violates
36 this section shall be subject to a fine of not less than ~~[\$200]~~ \$300
37 or more than ~~[\$1,000]~~ \$1,100 for each offense. For each fine
38 collected pursuant to this section, \$100 shall be remitted to the
39 Department of Transportation to fund the litter reporting program
40 developed pursuant to section 1 of P.L. , c. (C.) (pending
41 before the Legislature as this bill).

42 b. There shall be a rebuttable presumption that the registered
43 owner of the vehicle, if present in the vehicle, or, in his absence, the
44 driver of the vehicle, is presumed to be responsible for any violation
45 of this section, if:

46 (1) A bundle, object, article or debris of any nature is thrown or
47 dropped from the vehicle by an occupant of the vehicle;

48 (2) There are two or more occupants in the vehicle; and

1 (3) It cannot be determined which occupant of the vehicle is the
2 violator.

3 (cf: P.L.1992, c.171, s.1)

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5 5. This act shall take effect immediately.

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STATEMENT

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10 This bill would require the Department of Transportation (DOT)
11 to establish a program that enables people to report acts of littering
12 that they witness. The program would allow reports to be submitted
13 via phone or electronically, including on the DOT 's website or
14 using a mobile application. The electronic reporting methods would
15 allow people to submit images. The DOT would be required to
16 review the reports, and, if credible, to send a formal notice to the
17 litterer about the littering offense and the penalties associated with
18 littering. The notice would also urge the litterer to help keep New
19 Jersey clean.

20 The bill would also increase the fees for littering in R.S.39:4-63,
21 R.S.39:4-64, and P.L.1985, c.533 by \$100 each. The extra funds
22 collected would be remitted to the DOT to be used to fund the litter
23 reporting program. The program is based on an existing program in
24 North Carolina, known as "Swat-A-Litterbug."