

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**  
**Revised**

House Bill 1020

(Delegate Kelley, *et al.*)

Judiciary

Judicial Proceedings

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**Litter Control - Fines**

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This bill increases Litter Control Law monetary penalties in the following manner:

- for a person who disposes of litter in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain, the bill increases the maximum fine from \$1,000 to \$1,500;
- for a person who disposes of litter in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain, the bill increases the maximum fine from \$10,000 to \$12,500; and
- for a person who disposes of litter in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain, the bill increases the maximum fine from \$25,000 to \$30,000.

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**Fiscal Summary**

**State Effect:** None.

**Local Effect:** Local revenues from Litter Control Law fine collections would increase by unknown amounts and would vary by jurisdiction.

**Small Business Effect:** Minimal.

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## Analysis

**Current Law:** Under the State's Litter Control Law, a person may not: (1) dispose of litter on a highway or perform an act that violates the State Vehicle Laws regarding disposal of litter, glass, and other prohibited substances on highways; or (2) dispose or cause or allow the disposal of litter on public or private property unless the property is designated by the State, a unit of the State, or a political subdivision for the disposal of litter and the person is authorized by the proper public authority to use the property, or the litter is placed into a litter receptacle or container installed on the property.

If two or more individuals are occupying a motor vehicle, boat, airplane, or other conveyance from which illegal litter is disposed, and it cannot be determined which occupant is the violator: (1) if present, the owner of the conveyance is presumed to be responsible for the violation; or (2) if the owner of the conveyance is not present, the operator is presumed to be responsible for the violation.

A person who disposes of litter in violation of these provisions in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for 30 days and/or a fine of \$1,000. A person who disposes of litter in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for one year and/or a fine of \$10,000. A person who disposes of litter in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and subject to maximum penalties of imprisonment for five years and/or a fine of \$25,000.

In addition to the incarceration and monetary penalties, a court may order the violator to: (1) remove or render harmless the litter disposed of; (2) repair or restore any property damaged by, or pay damages for, the disposal of the litter; (3) perform public service relating to the removal of litter or to the restoration of an area polluted by litter; or (4) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter. In addition to, or instead of these penalties, the court may suspend for up to seven days the license of the person to operate the type of conveyance used in the violation who is presumed to be responsible for any violation involving a conveyance.

Fines collected for Litter Control Law violations must be disbursed in the following manner: (1) to the county or municipal corporation where the violation occurred; or (2) if the bi-county unit is the enforcement unit and the violations occurred on property over which the bi-county unit exercises jurisdiction, to the bi-county unit. Fines collected must be used to pay for required litter receptacles and posting signs and for other purposes relating to the removal or control of litter.

The legislative body of a municipal corporation may prohibit littering and classify littering as a municipal infraction. Prince George's County is authorized to adopt an ordinance to prohibit littering and, for violations of the ordinance, may impose criminal penalties and civil penalties that do not exceed the specified criminal penalties and civil penalties under State law.

“Litter” means all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description.

**Background:** It is currently unknown how much fine revenue is collected in any fiscal year under the Litter Control Law. All such money collected by the District Court is lumped with all other payments directed to local governments and disbursed accordingly.

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### **Additional Information**

**Prior Introductions:** In 2003, a similar bill (as amended), HB 642, passed the House and received an unfavorable report from the Senate Judicial Proceedings Committee.

**Cross File:** None.

**Information Source(s):** Judiciary (District Court), Department of State Police, Department of Legislative Services

**Fiscal Note History:** First Reader - March 2, 2004  
mh/jr Revised - House Third Reader - March 25, 2004

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