

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1961

143

ENROLLED

SENATE BILL NO. 143

(By Mr. Smith and Mr. Carrigan

PASSED March 11th, 1961

In Effect immediately Passage

Filed in Office of the Secretary of State

of West Virginia MAR 17 1961

JOE F. BURDETT
SECRETARY OF STATE

ENROLLED

Senate Bill No. 143

(By MR. SMITH AND MR. CARRIGAN)

[Passed March 11, 1961; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen-b, article nineteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the disposal of litter and certain other material on and near highways and certain enumerated other locations; issuance of notice to the public, and providing penalties.

Be it enacted by the Legislature of West Virginia:

That section thirteen-b, article nineteen, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Section 13-b. *Unlawful Disposal of Litter, etc.; Prima Facie Evidence of Violations; Notice of Section; Enforcement; Penalty.*—It shall be unlawful to place, deposit,

4 dump or throw, or cause to be placed, deposited, dumped
5 or thrown, any litter, garbage, refuse, trash, cans, bottles,
6 papers, ashes, cigarette or cigar butts, junk, carcass of any
7 dead animal, offal, waste, or any other offensive or un-
8 sightly matter in or upon any public or private highway,
9 road, street or alley, or upon the surface of any land with-
10 in one hundred yards thereof without the consent of the
11 owner, or in or upon any private property into or upon
12 which the public is admitted by easement or license, or
13 upon any private property without the consent of the
14 owner, or in or upon any public park or other public prop-
15 erty other than in such place as may be set aside for such
16 purpose by the governing body having charge thereof.

17 If any such material is thrown, cast, dumped or dis-
18 charged from a motor vehicle in violation of this section,
19 such action shall be deemed prima facie evidence that
20 the owner or driver of such motor vehicle intended to vio-
21 late this section.

22 The state commissioner of motor vehicles, upon register-
23 ing a motor vehicle or issuing an operator's or chauffeur's
24 license, shall place upon the application for registration

25 or on the license so issued a digest of this section briefly
26 explaining this section.

27 The state road commissioner shall cause appropriate
28 signs to be placed at the state boundary on each primary
29 and secondary road, informing those entering the state of
30 the maximum penalty herein provided for disposing of
31 litter in, upon and near highways and roads in violation
32 of this section.

33 No portion of this section shall be construed to restrict
34 a private owner or lessee in the use of his own private
35 property or leased property, or to prohibit the disposal of
36 materials designated in this section in any manner au-
37 thorized by law.

38 In addition to enforcement by all proper law enforce-
39 ment agencies, this section shall also be enforced by the
40 state director of conservation, the United States forestry
41 service and all other officers vested with powers and au-
42 thority of game protectors.

43 Any person violating this section shall be guilty of a
44 misdemeanor, and, upon conviction thereof, shall be fined
45 not less than twenty nor more than five hundred dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withrow
Chairman House Committee

Originated in the Senate.

Takes effect sixty days from passage.

James H. Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

Julius W. Singletary Sr.
Speaker House of Delegates

The within approved this the 17th
day of March, 1961.

Wm. Barr
Governor



Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE