WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1961

ENROLLED

SENATE BILL NO. 143

(By Mr. Smith and Mr. Carrigan)

PASSED March 17, 1961
In Effect ninety days from Passage

Filed in Office of the Secretary of State
of West Virginia MAR 17 1961
JOE F. BURDETT
SECRETARY OF STATE
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,
dump or throw, or cause to be placed, deposited, dumped
or thrown, any litter, garbage, refuse, trash, cans, bottles,
papers, ashes, cigarette or cigar butts, junk, carcass of any
dead animal, offal, waste, or any other offensive or un-
sightly matter in or upon any public or private highway,
road, street or alley, or upon the surface of any land with-
in one hundred yards thereof without the consent of the
owner, or in or upon any private property into or upon
which the public is admitted by easement or license, or
upon any private property without the consent of the
owner, or in or upon any public park or other public prop-
erty other than in such place as may be set aside for such
purpose by the governing body having charge thereof.

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

The state commissioner of motor vehicles, upon register-
ing a motor vehicle or issuing an operator's or chauffeur's
license, shall place upon the application for registration
or on the license so issued a digest of this section briefly explaining this section.

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

No portion of this section shall be construed to restrict a private owner or lessee in the use of his own private property or leased property, or to prohibit the disposal of materials designated in this section in any manner authorized by law.

In addition to enforcement by all proper law enforcement agencies, this section shall also be enforced by the state director of conservation, the United States forestry service and all other officers vested with powers and authority of game protectors.

Any person violating this section shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined 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.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

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JOE F. BURDETT
SECRETARY OF STATE