

House File 2385 - Introduced

HOUSE FILE 2385

BY COMMITTEE ON ENVIRONMENTAL
PROTECTION

(SUCCESSOR TO HF 2154)

A BILL FOR

- 1 An Act relating to littering and illegal dumping and modifying
- 2 penalties.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 455B.307A, subsection 3, Code 2016, is
2 amended to read as follows:

3 3. A person who violates ~~this section is subject to a civil~~
4 ~~penalty not to exceed one thousand dollars for each violation,~~
5 upon conviction, shall be guilty of a serious misdemeanor.
6 The revenue from the penalty provided in ~~this subsection~~
7 shall be remitted to the treasurer of state for deposit in
8 the general fund of the state. Fifty percent of such moneys
9 are appropriated to the state department of transportation
10 for purposes of the cleanup of litter and illegally discarded
11 solid waste. The remaining fifty percent of such moneys shall
12 be deposited in the general fund of the county in which the
13 violation occurred to be used exclusively for the cleanup and
14 prevention of illegal dumping.

15 Sec. 2. Section 455B.307A, Code 2016, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 4. This section shall not apply to the
18 discarding of litter regulated under chapter 455B, division IV,
19 part 3, and local littering ordinances.

20 Sec. 3. Section 455B.361, subsection 2, Code 2016, is
21 amended to read as follows:

22 2. "*Litter*" means any garbage, rubbish, trash, refuse,
23 waste materials, or debris not exceeding ten pounds in weight
24 or fifteen cubic feet in volume. Litter includes but is not
25 limited to empty beverage containers, cigarette butts, food
26 waste packaging, other food or candy wrappers, handbills, empty
27 cartons, or boxes.

28 Sec. 4. Section 602.8108, subsection 11, Code 2016, is
29 amended to read as follows:

30 11. a. The state court administrator shall allocate fifty
31 percent of all of the fines attributable to littering citations
32 issued pursuant to ~~sections 321.369, 321.370, and 461A.43~~ to
33 the treasurer of state for deposit in the general fund of the
34 state and such moneys are appropriated to the state department
35 of transportation for purposes of the cleanup of litter and

1 illegally discarded solid waste.

b. The state court administrator shall allocate fifty percent of all moneys collected from the illegal dumping penalty provided in section 455B.307A to the state department of transportation for purposes of the cleanup of litter and illegally discarded solid waste. The remaining fifty percent of such moneys shall be deposited in the general fund of the county in which the violation occurred to be used exclusively for the cleanup and prevention of illegal dumping.

10	EXPLANATION
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11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill removes the civil penalty of up to \$1,000 for each
14 violation of illegal dumping and replaces it with a criminal
15 penalty that is a serious misdemeanor. A serious misdemeanor
16 is punishable by confinement for no more than one year and a
17 fine of at least \$315 but not more than \$1,875.

18 The bill requires the state court administrator to allocate
19 50 percent of all moneys collected from an illegal dumping fine
20 to the state department of transportation for purposes of the
21 cleanup of litter and illegally discarded solid waste. The
22 remaining 50 percent shall be deposited in the general fund of
23 the county where the violation occurred to be used only for the
24 cleanup and prevention of illegal dumping. This is also the
25 current allocation for the civil penalty that is imposed under
26 current law.

27 The bill adds language to the definition of "litter" to
28 provide that it includes items not exceeding 10 pounds in
29 weight or 15 cubic feet in volume and includes but is not
30 limited to empty beverage containers, cigarette butts, food
31 waste packaging, other food or candy wrappers, handbills, empty
32 cartons, or boxes.