

State of Misconsin 2009 - 2010 LEGISLATURE

SENATE SUBSTITUTE AMENDMENT 1, TO 2009 ASSEMBLY BILL 139

March 2, 2010 – Offered by Senator CARPENTER.

1 AN ACT to amend 27.019 (11) and 287.81 (3); and to create 287.81 (1) (as) and

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287.81 (2m) of the statutes; **relating to:** littering and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, the maximum penalty for littering is a forfeiture (civil monetary penalty) of \$500. Littering includes depositing solid waste along a highway, in the waters of the state, or on public or private property, other than in a trash receptacle or a solid waste facility, and failing to remove within 30 days, or otherwise abandoning, a vehicle in the waters of the state.

This bill provides that a person who deposits a large item of solid waste along a highway, in the waters of the state, or on public or private property, other than in a trash receptacle or a solid waste facility, is subject to a forfeiture of not more than \$1,000. Large items of solid waste are appliances, furniture, tires, motor vehicles, nonmotorized vehicles, boats, aircraft, building materials, and demolition waste.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 27.019 (11) of the statutes is amended to read:

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1	27.019 (11) ENFORCE HIGHWAY LITTERING LAW. Such committee shall work out
2	plans to enforce the provision <u>provisions</u> of s. 287.81 (2) (a) <u>and (2m)</u> prohibiting the
3	depositing of solid waste on or along highways.
4	SECTION 2. 287.81 (1) (as) of the statutes is created to read:
5	287.81 (1) (as) "Large item" means an appliance, an item of furniture, a tire,
6	a vehicle, a boat, an aircraft, building materials, or demolition waste.
7	SECTION 3. 287.81 (2m) of the statutes is created to read:
8	287.81 (2m) Except as provided in sub. (3), a person who deposits any large
9	item on or along any highway, in any waters of the state, on the ice of any waters of
10	the state, or on any other public or private property shall forfeit not more than
11	\$1,000.
12	SECTION 4. 287.81 (3) of the statutes is amended to read:
13	287.81 (3) (a) Subsection Subsections (2) (a) does and (2m) do not apply to a
14	person who places solid waste in a receptacle designed for solid waste storage that
15	is located along a highway or on other public or private property.
16	(b) Subsection Subsections (2) does and (2m) do not apply to a person who
17	deposits or discharges solid waste in conformance with chs. 30, 31, 281 to 285 or 289
18	to 299 or a permit, license or other approval issued by the department under those
19	chapters.
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(END)