

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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Short Title: Strengthen Littering Laws.

(Public)

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Sponsors:

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Referred to:

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April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO STRENGTHEN THE LITTERING LAWS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 14-399 reads as rewritten:

"§ 14-399. Littering.

(a) No person, including ~~but not limited to,~~ any firm, organization, private corporation, or governing body, agents or employees of any municipal corporation shall intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter upon any public property or private property not owned by ~~him~~ the person within this State or in the waters of this State ~~including, but not limited to,~~ including any public highway, public park, lake, river, ocean, beach, campground, ~~forest land,~~ forestland, recreational area, trailer park, highway, road, street or alley except:

- (1) When ~~such~~ the property is designated by the State or political subdivision thereof for the disposal of garbage and refuse, and ~~such~~ the person is authorized to use ~~such~~ the property for ~~such~~ this purpose; or
- (2) Into a litter receptacle in ~~such~~ a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of ~~such~~ the private or public property or waters.

(a1) No person, including any firm, organization, private corporation, or governing body, agents, or employees of any municipal corporation shall scatter, spill, or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any litter upon any public property or private property not owned by the person within this State or in the waters of this State including any public highway, public park, lake,

1 river, ocean, beach, campground, forestland, recreational area, trailer park, highway,  
2 road, street, or alley except:

3 (1) When the property is designated by the State or political subdivision  
4 thereof for the disposal of garbage and refuse, and the person is  
5 authorized to use the property for this purpose; or

6 (2) Into a litter receptacle in a manner that the litter will be prevented from  
7 being carried away or deposited by the elements upon any part of the  
8 private or public property or waters.

9 (a2) Subsection (a1) of this section does not apply to the accidental blowing,  
10 scattering, or spilling of an insignificant amount of municipal solid waste, as defined in  
11 G.S. 130A-290(18a), during the automated loading of a vehicle designed and  
12 constructed to transport municipal solid waste if the vehicle is operated in a reasonable  
13 manner and according to manufacturer specifications.

14 (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or  
15 watercraft, the operator thereof shall be presumed to have committed ~~such the~~ offense.  
16 This presumption, however, does not apply to a vehicle transporting ~~agricultural~~  
17 ~~products or supplies when the litter from that vehicle is a nontoxic, biodegradable~~  
18 ~~agricultural product or supply. nontoxic and biodegradable agricultural or garden~~  
19 products or supplies, including mulch, tree bark, wood chips, and raw logs.

20 (c) Any person who violates subsection (a) of this section in an amount not  
21 exceeding 15 pounds and not for commercial purposes is guilty of a Class 3  
22 misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00)  
23 nor more than one thousand dollars (\$1,000) for the first offense. In addition, the court  
24 may require the violator to perform community service of not less than eight hours nor  
25 more than 24 hours. The community service required shall be to pick up litter if  
26 feasible, and if not feasible, to perform other labor commensurate with the offense  
27 committed. Any second or subsequent offense-violation of subsection (a) of this section  
28 in an amount not exceeding 15 pounds and not for commercial purposes within three  
29 years after the date of a prior offense-violation is a Class 3 misdemeanor punishable by  
30 a fine of not less than five hundred dollars (\$500.00) nor more than two thousand  
31 dollars (\$2,000). In addition, the court may require the violator to perform community  
32 service of not less than 16 hours nor more than 50 hours. The community service  
33 required shall be to pick up litter if feasible, and if not feasible, to perform other labor  
34 commensurate with the offense committed.

35 (c1) Any person who violates subsection (a1) of this section in an amount not  
36 exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one  
37 hundred dollars (\$100.00). In addition, the court may require the violator to perform  
38 community service of not less than four hours nor more than 12 hours. The community  
39 service required shall be to pick up litter if feasible, and if not feasible, to perform other  
40 labor commensurate with the offense committed. Any second or subsequent violation of  
41 subsection (a1) of this section in an amount not exceeding 15 pounds within three years  
42 after the date of a prior violation is an infraction punishable by a fine of not more than

1 two hundred dollars (\$200.00). In addition, the court may require the violator to perform  
2 community service of not less than eight hours nor more than 24 hours. The community  
3 service required shall be to pick up litter if feasible, and if not feasible, to perform other  
4 labor commensurate with the offense committed. For purposes of this subsection, the  
5 term "litter" shall not include nontoxic and biodegradable agricultural or garden  
6 products or supplies, including mulch, tree bark, and wood chips.

7 (d) Any person who violates subsection (a) of this section in an amount  
8 exceeding 15 pounds but not exceeding 500 pounds and not for commercial purposes is  
9 guilty of a Class 3 misdemeanor punishable by a fine of not less than five hundred  
10 dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court  
11 shall require the violator to perform community service of not less than 24 hours nor  
12 more than 100 hours. The community service required shall be to pick up litter if  
13 feasible, and if not feasible, to perform other community service commensurate with the  
14 offense committed.

15 (d1) Any person who violates subsection (a1) of this section in an amount  
16 exceeding 15 pounds but not exceeding 500 pounds is guilty of an infraction punishable  
17 by a fine of not more than two hundred dollars (\$200.00). In addition, the court may  
18 require the violator to perform community service of not less than eight hours nor more  
19 than 24 hours. The community service required shall be to pick up litter if feasible, and  
20 if not feasible, to perform other labor commensurate with the offense committed.

21 (e) Any person who violates subsection (a) of this section in an amount  
22 exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter  
23 that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class I felony.

24 (e1) Any person who violates subsection (a1) of this section in an amount  
25 exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than  
26 three hundred dollars (\$300.00). In addition, the court may require the violator to  
27 perform community service of not less than 16 hours nor more than 50 hours. The  
28 community service required shall be to pick up litter if feasible, and if not feasible, to  
29 perform other labor commensurate with the offense committed.

30 (e2) ~~In addition, If any person violates subsection (a) or (a1) of this section in an~~  
31 ~~amount exceeding 15 pounds or in any quantity for commercial purposes, or discards~~  
32 ~~litter that is a hazardous waste as defined in G.S. 130A-290, the court shall order the~~  
33 ~~violator to:~~

- 34 (1) Remove, or render harmless, the litter that he discarded in violation of  
35 this section;
- 36 (2) Repair or restore property damaged by, or pay damages for any  
37 damage arising out of, his discarding litter in violation of this section;  
38 or
- 39 (3) Perform community public service relating to the removal of litter  
40 discarded in violation of this section or to the restoration of an area  
41 polluted by litter discarded in violation of this section.

42 (f) A court may enjoin a violation of this section.

1 (f1) If a violation of subsection (a) of this section involves the operation of a  
2 motor vehicle, upon a finding of guilt, the court shall forward a record of the finding to  
3 the Department of Transportation, Division of Motor Vehicles, which shall record a  
4 penalty of one point on the violator's drivers license pursuant to the point system  
5 established by G.S. 20-16. There shall be no insurance premium surcharge or  
6 assessment of points under the classification plan adopted under G.S. 58-36-65 for a  
7 finding of guilt under this section.

8 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine  
9 involved in the disposal of more than 500 pounds of litter in violation of subsection (a)  
10 of this section is declared contraband and is subject to seizure and summary forfeiture to  
11 the State.

12 (h) If a person sustains damages arising out of a violation of subsection (a) of this  
13 section that is punishable as a felony, a court, in a civil action for ~~such~~the damages,  
14 shall order the person to pay the injured party threefold the actual damages or two  
15 hundred dollars (\$200.00), whichever amount is greater. In addition, the court shall  
16 order the person to pay the injured party's court costs and attorney's fees.

17 (i) For the purpose of the section, unless the context requires otherwise:

18 (1) "Aircraft" means a motor vehicle or other vehicle that is used or  
19 designed to fly, but does not include a parachute or any other device  
20 used primarily as safety equipment.

21 (2) Repealed by Session Laws 1999-454, s. 1.

22 (2a) "Commercial purposes" means litter discarded by a business,  
23 corporation, association, partnership, sole proprietorship, or any other  
24 entity conducting business for economic gain, or by an employee or  
25 agent of ~~such~~the entity.

26 (3) "Law enforcement officer" means any ~~officer of the North Carolina~~  
27 ~~Highway Patrol, the State Bureau of Investigation, the Division of~~  
28 ~~Motor Vehicles of the Department of Transportation, a county sheriff's~~  
29 ~~department, a municipal law enforcement department, a law~~  
30 ~~enforcement department of any other political subdivision, the~~  
31 ~~Department, or the North Carolina Wildlife Resources Commission.~~  
32 law enforcement officer sworn and certified pursuant to Chapter 17C  
33 or 17E of the General Statutes, except company police officers as  
34 defined in G.S. 74E-6(b)(3). In addition, and solely for the purposes of  
35 this section, "law enforcement officer" means any employee of a  
36 county or municipality designated by the county or municipality as a  
37 litter enforcement officer~~officer; or wildlife protectors as defined in~~  
38 ~~G.S. 113-128(9);~~

39 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box,  
40 container, wrapper, paper, paper product, tire, appliance, mechanical  
41 equipment or part, building or construction material, tool, machinery,  
42 wood, motor vehicle or motor vehicle part, vessel, aircraft, farm

1 machinery or equipment, sludge from a waste treatment facility, water  
2 supply treatment plant, or air pollution control facility, dead animal, or  
3 discarded material in any form resulting from domestic, industrial,  
4 commercial, mining, agricultural, or governmental operations. "~~Litter~~"  
5 While being used for or distributed in accordance with their intended  
6 uses, "litter" does not include political pamphlets, handbills, religious  
7 tracts, newspapers, and other ~~such~~ similar printed materials the  
8 unsolicited distribution of which is protected by the Constitution of the  
9 United States or the Constitution of North Carolina.

10 (5) "Vehicle" has the same meaning as in ~~G.S. 20-4.01(49);~~ G.S. 20-  
11 4.01(49). ~~and~~

12 (6) "Watercraft" means any boat or vessel used for transportation across  
13 the water.

14 (j) It shall be the duty of all law enforcement officers to enforce the provisions of  
15 this section.

16 (k) This section does not limit the authority of any State or local agency to  
17 enforce other laws, rules or ordinances relating to litter or solid waste management."

18 **SECTION 2.** G.S. 20-116(g) reads as rewritten:

19 "(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the  
20 vehicle is so constructed ~~or~~ and loaded as to prevent any of its load  
21 from falling, blowing, dropping, sifting, leaking, or otherwise escaping  
22 therefrom, ~~except that~~ and the vehicle shall not contain any holes,  
23 cracks, or openings through which any of its load may escape.  
24 However, sand may be dropped for the purpose of securing traction, or  
25 water or other substance may be ~~sprinkled~~ sprinkled, dumped, or  
26 spread on a roadway in cleaning or maintaining ~~such~~ the roadway. For  
27 purposes of this subsection, load does not include water accumulated  
28 from precipitation.

29 (2) ~~Trucks, trailers or other vehicles when~~ A truck, trailer, or other  
30 vehicle licensed for more than 7,500 pounds gross vehicle weight  
31 loaded with rock, gravel, ~~stone~~ stone, or any other similar substances  
32 which substance that could fall, blow, leak, sift-sift, or drop shall not  
33 be driven or moved on any highway unless the height of the load  
34 against all four walls does not extend above a horizontal line six inches  
35 below their tops when loaded at the loading point, ~~or if not so loaded,~~  
36 unless point and the load shall be securely covered by tarpaulin or  
37 some other suitable covering, ~~or unless it is otherwise constructed so~~  
38 as covering to prevent any of its load from falling, dropping, sifting,  
39 leaking, blowing, or otherwise escaping therefrom.

40 (3) Except as provided in this subdivision, a truck, trailer, or other vehicle  
41 licensed for 7,500 pounds or less gross vehicle weight loaded with  
42 rock, gravel, stone, or any other similar substance that could fall, blow,

1 leak, sift, or drop shall not be driven or moved on any highway unless  
2 the height of the load against all four walls does not extend above a  
3 horizontal line six inches below the top when loaded at the loading  
4 point. If a vehicle subject to this subdivision is not loaded in  
5 accordance with this subdivision, the vehicle's load shall be securely  
6 covered by tarpaulin or some other suitable covering or the vehicle  
7 shall be constructed so as to prevent any of its load from falling,  
8 dropping, sifting, leaking, blowing, or otherwise escaping therefrom.

9 (4) ~~Provided this~~ This section shall not be applicable to or in any manner  
10 restrict the transportation of seed cotton, ~~of poultry or livestock~~ poultry  
11 or livestock, or silage or other feed grain used in the feeding of poultry  
12 or livestock."

13 SECTION 3. Article 2 of Chapter 136 of the General Statutes is amended by  
14 adding a new section to read:

15 "**§ 136-28.11. Litter removal coordinated with mowing of highway rights-of-way.**

16 The Department of Transportation shall, to the extent practicable, schedule the  
17 removal of debris, trash, and litter from highways and highway rights-of-way prior to  
18 the mowing of highway rights-of-way. The Department of Transportation shall include  
19 as a term of any contract that it enters into for the mowing of a highway right-of-way  
20 that the contracting party shall, to the extent practicable, coordinate with the scheduled  
21 removal of debris, trash, and litter from the highway and highway right-of-way prior to  
22 the mowing of the highway right-of-way."

23 SECTION 4. Article 2 of Chapter 136 of the General Statutes is amended by  
24 adding a new section to read:

25 "**§ 136-32.3. Litter enforcement signs.**

26 The Department of Transportation shall place signs on the Interstate Highway  
27 System notifying motorists of the penalties for littering. The signs shall include the  
28 amount of the maximum penalty for littering. The Department of Transportation shall  
29 determine the locations of and distance between the signs."

30 SECTION 5. G.S. 153A-136 reads as rewritten:

31 "**§ 153A-136. Regulation of solid wastes.**

32 (a) A county may by ordinance regulate the storage, collection, transportation,  
33 use, disposal, and other disposition of solid wastes. Such an ordinance may:

- 34 (1) Regulate the activities of persons, firms, and corporations, both public  
35 and private.
- 36 (2) Require each person wishing to commercially collect or dispose of  
37 solid wastes to secure a license from the county and prohibit any  
38 person from commercially collecting or disposing of solid wastes  
39 without a license. A fee may be charged for a license.
- 40 (3) Grant a franchise to one or more persons for the exclusive right to  
41 commercially collect or dispose of solid wastes within all or a defined  
42 portion of the county and prohibit any other person from commercially

1 collecting or disposing of solid wastes in that area. The board of  
2 commissioners may set the terms of any franchise, except that no  
3 franchise may be granted for a period exceeding 30 years, nor may any  
4 franchise by its terms impair the authority of the board of  
5 commissioners to regulate fees as authorized by this section.

6 (4) Regulate the fees, if any, that may be charged by licensed or  
7 franchised persons for collecting or disposing of solid wastes.

8 (5) Require the source separation of materials prior to collection of solid  
9 waste for disposal.

10 (6) Require participation in a recycling program by requiring separation of  
11 designated materials by the owner or occupant of the property prior to  
12 disposal. An owner of recovered materials as defined by G.S.  
13 130A-290(a)(24) retains ownership of the recovered materials until the  
14 owner conveys, sells, donates, or otherwise transfers the recovered  
15 materials to a person, firm, company, corporation, or unit of local  
16 government. A county may not require an owner to convey, sell,  
17 donate, or otherwise transfer recovered materials to the county or its  
18 designee. If an owner places recovered materials in receptacles or  
19 delivers recovered materials to specific locations, receptacles, and  
20 facilities that are owned or operated by the county or its designee, then  
21 ownership of these materials is transferred to the county or its  
22 designee.

23 (6a) Regulate the illegal disposal of solid waste, including littering on  
24 public and private property, provide for enforcement by civil penalties  
25 as well as other remedies, and provide that such regulations may be  
26 enforced by county employees specially appointed as environmental  
27 enforcement officers.

28 (7) Include any other proper matter.

29 (b) Any ordinance adopted pursuant to this section shall be consistent with and  
30 supplementary to any rules adopted by the Commission for Health Services or the  
31 Department of Environment and Natural Resources.

32 (c) The board of commissioners of a county shall consider alternative sites and  
33 socioeconomic and demographic data and shall hold a public hearing prior to selecting  
34 or approving a site for a new sanitary landfill that receives residential solid waste that is  
35 located within one mile of an existing sanitary landfill within the State. The distance  
36 between an existing and a proposed site shall be determined by measurement between  
37 the closest points on the outer boundary of each site. The definitions set out in G.S.  
38 130A-290 apply to this subsection. As used in this subsection:

39 (1) "Approving a site" refers to prior approval of a site under G.S.  
40 130A-294(a)(4).

- 1 (2) "Existing sanitary landfill" means a sanitary landfill that is in operation  
2 or that has been in operation within the five-year period immediately  
3 prior to the date on which an application for a permit is submitted.
- 4 (3) "New sanitary landfill" means a sanitary landfill that includes areas not  
5 within the legal description of an existing sanitary landfill as set out in  
6 the permit for the existing sanitary landfill.
- 7 (4) "Socioeconomic and demographic data" means the most recent  
8 socioeconomic and demographic data compiled by the United States  
9 Bureau of the Census and any additional socioeconomic and  
10 demographic data submitted at the public hearing.

11 (d) As used in this section, "solid waste" means nonhazardous solid waste, that is,  
12 solid waste as defined in G.S. 130A-290 but not including hazardous waste."

13 **SECTION 6.** G.S. 160A-185 reads as rewritten:

14 **"§ 160A-185. Emission of pollutants or contaminants.**

15 A city may by ordinance regulate, restrict, or prohibit the emission or disposal of  
16 substances or effluents that tend to pollute or contaminate land, water, or air, rendering  
17 or tending to render it injurious to human health or welfare, to animal or plant life or to  
18 property, or interfering or tending to interfere with the enjoyment of life or property. A  
19 city may by ordinance regulate the illegal disposal of solid waste, including littering on  
20 public and private property, provide for enforcement by civil penalties as well as other  
21 remedies, and provide that such regulations may be enforced by city employees  
22 specially appointed as environmental enforcement officers. Any such ordinance shall be  
23 consistent with and supplementary to State and federal laws and regulations."

24 **SECTION 7.** Article 3 of Chapter 163 of the General Statutes is amended by  
25 adding a new section to read:

26 **"§ 163-22.3. State Board of Elections littering notification.**

27 At the time an individual files with the State Board of Elections a notice of  
28 candidacy pursuant to G.S. 163-106, 163-112, 163-291, 163-294.2, or 163-323, is  
29 certified to the State Board of Elections by a political party executive committee to fill a  
30 nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of  
31 Elections by a new political party as that party's nominee pursuant to G.S. 163-98,  
32 qualifies with the State Board of Elections as an unaffiliated or write-in candidate  
33 pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State  
34 Board of Elections pursuant to any statute or local act, the State Board of Elections shall  
35 notify the candidate of the provisions concerning campaign signs in G.S. 136-32 and  
36 G.S. 14-156, and the rules adopted by the Department of Transportation pursuant to  
37 G.S. 136-18."

38 **SECTION 8.** Article 4 of Chapter 163 of the General Statutes is amended by  
39 adding a new section to read:

40 **"§ 163-33.3. County board of elections littering notification.**

41 At the time an individual files with a county board of elections a notice of candidacy  
42 pursuant to G.S. 163-106, 163-112, 163-291, or 163-294.2, is certified to a county board



1 of elections by a political party executive committee to fill a nomination vacancy  
2 pursuant to G.S. 163-114, qualifies with a county board of elections as an unaffiliated or  
3 write-in candidate pursuant to Article 11 of this Chapter, or formally initiates with a  
4 county board of elections a candidacy pursuant to any statute or local act, the county  
5 board of elections shall notify the candidate of the provisions concerning campaign  
6 signs in G.S. 136-32 and G.S. 14-156 and the rules adopted by the Department of  
7 Transportation pursuant to G.S. 136-18.

8         **SECTION 9.** The text of G.S. 147-12 is designated as subsection (a) of that  
9 section, and G.S. 147-12 is further amended by adding a new subsection to read:

10         "**(b)** The Department of Transportation, the Department of Correction, the  
11 Department of Crime Control and Public Safety, the State Highway Patrol, the Wildlife  
12 Resources Commission, the Division of Parks and Recreation in the Department of  
13 Environment and Natural Resources, and the Division of Marine Fisheries in the  
14 Department of Environment and Natural Resources shall deliver to the Governor by  
15 February 1 and August 1 of each year detailed information on the agency's litter  
16 enforcement, litter prevention, and litter removal efforts. The Administrative Office of  
17 the Courts shall deliver to the Governor by February 1 and August 1 of each year  
18 detailed information on the enforcement of the littering laws of the State, including the  
19 number of charges and convictions under the littering laws of the State. The Governor  
20 shall gather the information submitted by the respective agencies and deliver a  
21 consolidated semiannual report on or before March 1 and September 1 of each year to  
22 the Environmental Review Commission, the Joint Legislative Transportation Oversight  
23 Committee, and the House of Representatives and the Senate Appropriations  
24 Subcommittees on Natural and Economic Resources."

25         **SECTION 10.** The first reports required to be delivered by the Department  
26 of Transportation, the Department of Correction, the Department of Crime Control and  
27 Public Safety, the State Highway Patrol, the Wildlife Resources Commission, the  
28 Division of Parks and Recreation in the Department of Environment and Natural  
29 Resources, the Division of Marine Fisheries in the Department of Environment and  
30 Natural Resources, and the Administrative Office of the Courts to the Governor under  
31 G.S. 147-12(b), as enacted by Section 10 of this act, shall be due February 1, 2002. The  
32 first report required to be delivered by the Governor to the Environmental Review  
33 Commission, the Joint Legislative Transportation Oversight Committee, and the House  
34 of Representatives and the Senate Appropriations Subcommittees on Natural and  
35 Economic Resources under G.S. 147-12(b), as enacted by Section 10 of this act, shall be  
36 due March 1, 2002.

37         **SECTION 11.** The State Board of Education shall report to the Joint  
38 Legislative Education Oversight Committee and the Environmental Review  
39 Commission by December 15 of the years 2003 through 2007, on the recycling efforts  
40 of the public schools in the State. These reports shall include information provided by  
41 local school administrative units on the number of public schools that have recycling  
42 programs and the types of recyclable materials that are collected. If the Joint

1 Legislative Education Oversight Committee or the Environmental Review Commission  
2 determines that sufficient progress in establishing recycling programs in the public  
3 schools of the State has not been made by January 1, 2008, the Committee or  
4 Commission shall recommend legislation to the 2008 Regular Session of the 2007  
5 General Assembly to continue the reporting requirement established by this section.

6 **SECTION 12.** G.S. 115C-47 is amended by adding a new subdivision to  
7 read:

8 "(39) To Encourage Recycling in Public Schools. – Local boards of  
9 education shall encourage recycling in public schools and may develop  
10 and implement recycling programs at public schools."

11 **SECTION 13.** G.S. 130A-309.14 is amended by adding new subsections to  
12 read:

13 "(k) The Department of Transportation shall provide and maintain recycling bins  
14 at each rest area located in this State on a highway in the Interstate Highway System or  
15 in the State highway system for the collection of all of the following recyclable  
16 materials for which recycling is feasible:

- 17 (1) Aluminum.
- 18 (2) Newspaper.
- 19 (3) Sorted office paper.
- 20 (4) Mixed office paper.
- 21 (5) Recyclable glass.
- 22 (6) Plastic bottles.

23 For each rest area that has recycling bins, the Department of Transportation shall install  
24 signs, or modify existing signs, that are proximately located to the rest area to notify  
25 motorists that the rest area has recycling bins.

26 (l) As used in this section, the following definitions apply:

- 27 (1) Mixed office paper. – Nearly all waste paper generated in offices that  
28 is not sorted office paper and includes colored paper, fax paper,  
29 computer paper, junk mail, notepads, manila and bleached file folders,  
30 envelopes without plastic windows, magazines, and corrugated  
31 cardboard. Mixed office paper does not include glossy paper, tape, and  
32 envelopes with plastic windows.
- 33 (2) Sorted office paper. – Paper used in offices that is of a high quality for  
34 purposes of recycling and includes copier paper, computer paper,  
35 letterhead, ledger, white envelopes, and bond paper."

36 **SECTION 14.** G.S. 130A-309.14(a)(1) reads as rewritten:

37 "(1) Establish a program in cooperation with the Department and the  
38 Department of ~~Administration, Administration~~ for the collection of all  
39 recyclable ~~aluminum and wastepaper~~ materials generated in State  
40 offices throughout the State, ~~including, at a minimum, high-grade~~  
41 ~~office paper and corrugated paper.~~ State. The program shall provide  
42 that recycling bins are readily accessible on each floor where State

1                    employees are located in a building occupied by a State agency. The  
2                    program shall provide for the collection of all of the following  
3                    recyclable materials.

4                    a.     Aluminum.

5                    b.     Newspaper.

6                    c.     Sorted office paper.

7                    d.     Recyclable glass.

8                    e.     Plastic bottles."

9                    **SECTION 15.** This act shall not be construed to obligate the General  
10 Assembly to appropriate any funds to implement the provisions of this act. Every  
11 agency to which this act applies shall implement the provisions of this act from funds  
12 otherwise appropriated or available to the agency.

13                    **SECTION 16.** Sections 1 and 2 of this act become effective December 1,  
14 2001, and apply to offenses committed on or after that date. Sections 5, 6, 9, 10, 11, 12,  
15 15, and 16 of this act are effective when it becomes law. Sections 7 and 8 of this act  
16 become effective December 1, 2001. Sections 3, 4, 13, and 14 of this act become  
17 effective January 1, 2002.