

TENNESSEE

Department of Safety, Nashville, TN. 615-251-5216.

39-14-501. Definitions for litter control. As used in this part, unless the context otherwise requires:

1. "Garbage" includes putrescible animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food;
2. "Litter" includes garbage, refuse, rubbish and all other waste material;
3. "Refuse" includes all putrescible and nonputrescible solid waste; and
4. "Rubbish" includes nonputrescible solid waste consisting of both combustible and non-combustible waste. [Acts 1989, ch. 591, §1.]

39-14-502. Criminal littering – Penalty.

1. A person commits criminal littering who:
 - A. Knowingly places, drops or throws litter on any public or private property without permission and does not immediately remove it; Negligently places or throws glass or other dangerous substances on or adjacent to water to which the public has access for swimming or wading, or on or within fifty feet (50') of a public highway; or
 - B. Negligently discharges sewage, minerals, oil products or litter into any public waters or lakes within this state.
 2. Nothing in subdivision (a)(1) shall be construed to prevent prosecution or conviction under other applicable laws.
- b. Criminal littering is a Class A misdemeanor punishable only as provided in subsection (c).
1. (1) For conviction of a first offense, a person violating the provisions of this section shall be fined five hundred dollars (\$500) and be required to remove litter from the state or local highway system, public playgrounds, public parks or other appropriate public locations for not less than forty (40) hours nor more than six (6) months. For conviction of a second or subsequent offense, a person violating the provisions of this section shall be fined one thousand five hundred dollars (\$1,500) and be required to remove litter from the state or local highway system, public playgrounds, public parks or other

appropriate public locations for not less than eighty (80) hours nor more than six (6) months.

2. In addition to the mandatory minimum penalties established in subdivision (c)(1), the court may in its discretion require a person convicted under this part to:
 - A. Remove any substance listed under subsection (a) that was dropped, placed or discharged by the person and restore the property or waters damaged by the littering to its former condition at the person's expense; and
 - B. Work in a recycling center or other appropriate location for any stated period of time not to exceed six (6) months.
 3. Any person who reports information to a law enforcement officer that leads to the apprehension and conviction of a person for a violation of this section shall receive a reward of two hundred fifty dollars (\$250). The county where the conviction occurs shall provide the reward money from the proceeds of the mandatory fines collected under the provisions of subsection (c).
 4. The proceeds from the mandatory fines for criminal littering shall be collected by the respective court clerks and then deposited in a dedicated county fund. Such fund shall not revert to the county general fund at the end of a fiscal year but shall remain for the litter enforcement rewards established in subdivision (d)(1).
 5. Each county shall expend the funds generated by the mandatory fines provided for in this section by appropriation for the litter enforcement rewards. Excess funds, if any, may be expended for other litter control programs on adoption of an appropriate resolution by the county legislative body.
- c. [Deleted by 2005 amendment.]
[Acts 1989, ch. 591, § 1; 1990, ch. 900, §§ 1, 2; 1998, ch. 680, § 1; 2005, ch. 214, § 1.]

39-14-503. Hauling litter.

1. Any motor vehicle, which transports litter, as defined in § 39-14-501, or any material likely to fall or be blown off onto the highways, shall be required to have such material either in an enclosed space or fully covered by a tarpaulin.

2. If such motor vehicle is a non-commercial, not-for-hire pickup truck, the provisions of this subsection (a) shall be construed to be complied with if the material on such non-commercial, not-for-hire pickup truck is secured in such a way as to reasonably ensure it will not fall or be blown off the vehicle.
 3. All other pickup trucks and other motor vehicles are required to comply with the provisions of subdivision (a)(1).
 4. Any motor vehicle having a gross weight of less than sixteen thousand pounds (16,000 lbs.) which is transporting litter, as defined in § 39-14-501, to an energy recovery facility, as defined in § 68-211-501(2), shall be required to have such material in an enclosed space, unless it is a motor vehicle with a factory installed hydraulic lift system that lifts the entire bed of the truck.
 5. The provisions of this subsection (a) do not apply to motor vehicles transporting recovered materials to a convenience center or scrap dealer for recycling.
 6. The provisions of this section shall not apply to motor vehicles which transport crushed stone, fill dirt and rock, soil, bulk sand, coal, phosphate muck, asphalt, concrete, other building materials, forest products, unfinished lumber, agricultural lime and agricultural products, and which are loaded in compliance with the four inch (4") requirement of § 55-7-109. Such exemption shall not apply to any load if any law enforcement officer sees any part of such material blowing off such vehicle. The provisions of this section shall also not apply to motor vehicles which transport farm produce going to market, or from field to field, or from field to storage.
- b. A violation of this section is a Class B misdemeanor. In addition to the penalty for such misdemeanor, the court may in its discretion impose any of the penalties set forth in § 39-14-502(c).