

1 House BILL NO. 290
 2 INTRODUCED BY [Signature] [Signature] [Signature] [Signature] [Signature]
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THROWING AWAY LIGHTED OR BURNING
 5 MATERIAL ON PUBLIC AND PRIVATE ROADS AND RAILROAD RIGHTS-OF-WAY IN THIS STATE;
 6 PROHIBITING DUMPING ASHTRAYS CONTAINING MATCHES, ASHES, OR CIGARETTE OR CIGAR REFUSE
 7 ON PUBLIC AND PRIVATE ROADS AND RAILROAD RIGHTS-OF-WAY; PROVIDING A PENALTY; ALLOWING
 8 ADMINISTRATIVE ENTITIES OF ROADS AND PUBLIC TRANSIT OPERATORS TO POST COPIES OF THIS
 9 ACT IN CONSPICUOUS LOCATIONS; AND AMENDING SECTIONS 7-5-2109, 7-5-4104, AND 61-8-365,
 10 MCA."

11
 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
 13

14 **NEW SECTION. Section 1. Littering with lighted matches, cigarettes, and other burning material**
 15 **and dumping ashtray prohibited -- penalty -- posting.** (1) A person may not throw away lighted matches,
 16 tobacco, cigarettes, cigars, or other lighted material on a forest road, private road, city street, county road,
 17 public highway, or railroad right-of-way in this state.

18 (2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or
 19 other related material on a forest road, private road, city street, county road, public highway, or railroad
 20 right-of-way in this state.

21 (3) A person convicted of violating subsection (1) or (2) shall be fined a minimum of \$100.

22 (4) Municipalities, the forest service, county governments, property owners, public transit
 23 operators, federal highway administrators, and any other appropriate entity may, at their discretion, post
 24 copies of this section in conspicuous locations.
 25

26 **Section 2.** Section 7-5-2109, MCA, is amended to read:

27 **"7-5-2109. County control of litter.** (1) (a) ~~The~~ Except as provided in [section 1], a governing body
 28 of a county may regulate, control, and prohibit littering on any county road and on land within the county
 29 by the adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.
 30 The ordinance may apply to portions of the county and may apply to persons other than the owners of the

1 property on which littering occurs.

2 (b) The ordinance does not apply to lead, copper, or brass deposits directly resulting from shooting
3 activities at a shooting range.

4 (c) The ordinance does not apply to a "notice of violation" card placed on a motor vehicle illegally
5 parked in a disability parking space.

6 (2) ~~The~~ Except as provided in [section 1], the governing body of a county may establish a fine not
7 to exceed \$200 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the
8 ordinance may not be punishable by imprisonment."

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10 **Section 3.** Section 7-5-4104, MCA, is amended to read:

11 **"7-5-4104. Control of nuisances -- exception.** (1) The city or town council has power to:

12 (a) define and abate nuisances and impose fines upon persons guilty of creating, continuing, or
13 suffering a nuisance to exist on the premises ~~which~~ that they occupy or control;

14 (b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement;
15 and

16 (c) enforce the penalty for violations of [section 1] and post copies of [section 1] in conspicuous
17 locations in the municipality.

18 (2) The city or town council may not prohibit the placing of a "notice of violation" card on a motor
19 vehicle illegally parked in a disability parking space."

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21 **Section 4.** Section 61-8-365, MCA, is amended to read:

22 **"61-8-365. Putting refuse on highway prohibited.** (1) ~~No~~ A person ~~shall~~ may not throw or deposit
23 upon ~~any~~ a highway ~~any~~ glass bottles, glass, nails, tacks, wire, cans, paper, or any other substance likely
24 to injure any person, animal, or vehicle upon ~~such~~ the highway.

25 (2) ~~Any~~ A person who drops or permits to be dropped or thrown upon ~~any~~ a highway ~~any~~
26 destructive or injurious material shall immediately remove the ~~same~~ material or cause it to be removed.

27 (3) ~~Any~~ A person removing a wrecked or damaged vehicle from a highway shall remove ~~any~~ glass
28 or other injurious substance dropped upon the highway from ~~such~~ the vehicle.

29 (4) A Except as provided in [section 1], a person convicted of violating this section shall be fined
30 not less than \$50. Except for the minimum fine of \$50 as provided in this subsection, and except for the

1 minimum fine of \$100 as provided in [section 1], the penalty provisions of 61-8-711 apply to this section."
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3 NEW SECTION. Section 5. Codification instruction. [Section 1] is intended to be codified as an
4 integral part of:

5 (1) Title 7, chapter 5, part 21, and the provisions of Title 7, chapter 5, part 21, apply to [section
6 1];

7 (2) Title 7, chapter 5, part 41, and the provisions of Title 7, chapter 5, part 41, apply to [section
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9 (3) Title 61, chapter 8, part 3, and the provisions of Title 61, chapter 8, part 3, apply to [section
10 1].

11 -END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0290, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act prohibiting throwing away lighted or burning material on public and private roads and railroad rights-of-way in this state; prohibiting dumping ashtrays containing matches, ashes, or cigarette or cigar refuse on public and private roads and railroad rights-of-way; providing a penalty; allowing administrative entities of roads and public transit operators to post copies of this act in conspicuous locations.

ASSUMPTION:

1. There would be minimal impact to the Department of Justice. The Highway Patrol Division only issued 4 citations for this type of offense in fiscal 1996.
2. The Department of Transportation would post the act on bulletin boards at rest areas, department offices, and weigh stations. Roadway signing would not be required.
3. For the Department of Transportation, the cost of printing and posting the signs should be offset by potentially less cigarette residues to cleanup and reduced fire hazards.

FISCAL IMPACT:

There would be little to no impact to the state.

David Lewis 1-22-97
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Hal Harper 1-27-97
HAL HARPER, PRIMARY SPONSOR DATE
Fiscal Note for HB0290, as introduced

HB 290

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(2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or other related material on a forest road, private road, city street, county road, public highway, or railroad right-of-way in this state.

(3) A person convicted of violating subsection (1) or (2) shall be fined a minimum of \$100.

(4) Municipalities, the forest service, county governments, property owners, public transit operators, federal highway administrators, and any other appropriate entity may, at their discretion, post copies of this section in conspicuous locations.

Section 2. Section 7-5-2109, MCA, is amended to read:

***7-5-2109. County control of litter.** (1) (a) ~~The~~ Except as provided in [section 1], a governing body of a county may regulate, control, and prohibit littering on any county road and on land within the county by the adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107. The ordinance may apply to portions of the county and may apply to persons other than the owners of the



1 property on which littering occurs.

2 (b) The ordinance does not apply to lead, copper, or brass deposits directly resulting from shooting
3 activities at a shooting range.

4 (c) The ordinance does not apply to a "notice of violation" card placed on a motor vehicle illegally
5 parked in a disability parking space.

6 (2) ~~The~~ Except as provided in [section 1], the governing body of a county may establish a fine not
7 to exceed \$200 as a penalty for violation of the ordinance referred to in subsection (1). A violation of the
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11 **"7-5-4104. Control of nuisances -- exception.** (1) The city or town council has power to:

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14 (b) regulate and prohibit the wearing of hats or bonnets at theaters or public places of amusement;
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21 **Section 4.** Section 61-8-365, MCA, is amended to read:

22 **"61-8-365. Putting refuse on highway prohibited.** (1) ~~No~~ A person ~~shall~~ may not throw or deposit
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28 or other injurious substance dropped upon the highway from ~~each~~ the vehicle.

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-END-

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17 public highway, or railroad right-of-way, EXCEPT LIGHTED MATERIALS USED AS SAFETY SIGNALING
18 DEVICES, in this state.

19 (2) A person may not empty an ashtray containing matches, ashes, cigarette or cigar refuse, or
20 other related material on a forest road, private road, city street, county road, public highway, or railroad
21 right-of-way in this state.

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27 **Section 2.** Section 7-5-2109, MCA, is amended to read:

28 **"7-5-2109. County control of litter.** (1) (a) ~~The~~ Except as provided in [section 1], a governing body
29 of a county may regulate, control, and prohibit littering on any county road and on land within the county
30 by the adoption of an ordinance that substantially complies with the provisions of 7-5-103 through 7-5-107.

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2 property on which littering occurs.

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