



Eric Vendel

*Bill Analysis*  
Legislative Service Commission

## **S.B. 306**

126th General Assembly  
(As Introduced)

**Sens. Zurz, Jacobson, Clancy, Dann, Kearney, D. Miller, Spada**

---

### **BILL SUMMARY**

- Revises the definition of "litter" in the Watercraft and Waterways Law, Nuisance Law, and Operation of Motor Vehicles Traffic Law to include "potentially dangerous litter" for purposes of the prohibitions against littering in those laws.
- Defines "potentially dangerous litter" in the above laws, and establishes penalties for depositing such litter.
- Increases the penalty for littering from a motor vehicle or watercraft that does not involve potentially dangerous litter to make littering penalties consistent under the Watercraft and Waterways Law, Nuisance Law, and Operation of Motor Vehicles Traffic Law.

---

### **CONTENT AND OPERATION**

#### **Overview**

The Watercraft and Waterways Law, Nuisance Law, and Operation of Motor Vehicles Traffic Law each establish prohibitions against littering. Each law defines "litter" similarly and establishes penalties for persons who litter. The bill retains the existing prohibitions against littering; in each of those laws, adds "potentially dangerous litter" to the definition of "litter," defines that term, and establishes penalties for depositing such litter; and makes the littering penalties for violations that do not involve potentially dangerous litter consistent in each law.

#### **Definitions**

The Watercraft and Waterways Law, Nuisance Law, and Operation of Motor Vehicles Traffic Law define "litter" to mean garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes (under the Nuisance Law and

Operation of Motor Vehicles Traffic Law only), vessel parts (under the Watercraft and Waterways Law only), vehicle parts (under the Watercraft and Waterways Law only), automobile parts (under the Nuisance Law and Operation of Motor Vehicles Traffic Law only), furniture, glass, or anything else of an unsightly or unsanitary nature. The bill adds in each of those laws that "litter" includes potentially dangerous litter. It defines "potentially dangerous litter" to mean glass or a container made predominantly or entirely of glass; a hypodermic needle or other medical instrument designed to cut or pierce; raw human waste, including urine, feces, and soiled diapers; nails and tacks; and any other material that constitutes a threat to human health or that is likely to cause injuries to persons or damage to automobiles or other property. Accordingly, the bill removes glass from the definition of "litter" in the above laws and specifies that bottles be plastic for purposes of that definition to reflect the addition of potentially dangerous litter to that definition. (Secs. 1547.49(A), 3767.32(D), and 4511.82(D).)

### **Prohibitions and penalties**

The Watercraft and Waterways Law prohibits an operator or occupant of a vessel, regardless of intent, from throwing, dropping, discarding, or depositing litter from a vessel in operation or control on or in any waters in Ohio, and prohibits an operator of a vessel from allowing litter to be thrown, dropped, discarded, or deposited from the vessel, except into a litter receptacle (sec. 1547.49(B) and (C)). Under the Nuisance Law, no person, regardless of intent, can deposit litter or cause litter to be deposited on public property, on private property not owned by the person, or in or on waters of the state except under specified circumstances. Additionally, no person, without privilege to do so, can knowingly deposit litter or cause it to be deposited in a litter receptacle located on public property or on private property not owned by the person except under specified circumstances. "Deposit" means to throw, drop, discard, or place. (Sec. 3767.32(A), (B), and (D).) Finally, the Operation of Motor Vehicles Traffic Law prohibits an operator or occupant of a motor vehicle, regardless of intent, from throwing, dropping, discarding, or depositing litter from a motor vehicle in operation on a street, road, or highway, and prohibits an operator of a motor vehicle from allowing litter to be thrown, dropped, discarded, or deposited from the motor vehicle, except into a litter receptacle (sec. 4511.82(A) and (B)).

Under the Nuisance Law, whoever violates the prohibition against littering is guilty of a misdemeanor of the third degree. In addition to or in lieu of the penalty, the sentencing may require a violator to remove litter from any public or private property or in or on waters of the state. (Sec. 3767.99(C).) However, under the Watercraft and Waterways Law and the Operation of Motor Vehicles Traffic Law, whoever violates the prohibition against littering is guilty of a minor misdemeanor (secs. 1547.99(I) and 4511.82(C)).

The bill makes several changes in the penalties for violations of the prohibitions against littering in each of those laws. The bill states that notwithstanding the fines established under the Penalties and Sentencing Law, if a violation involves potentially dangerous litter, the sentencing court must impose a fine of not less than \$150, but not more than \$1,000 on a first offense, not less than \$300, but not more than \$1,500 on a second offense, and not less than \$600, but not more than \$2,000 on a third and subsequent offense. In addition, the court may impose any other sanctions authorized for a misdemeanor of the third degree under the Penalties and Sentencing Law. (Secs. 1547.99(I)(2), 3767.99(E)(2), and 4511.82(C)(2).) Further, in addition to the fines and sanctions for a third and subsequent offense that involves potentially dangerous litter, the sentencing court may impose on the offender a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for a definite period of 90 days in accordance with the Driver's License Suspension, Cancellation, and Revocation Law (secs. 1547.99(I)(3), 3767.99(E)(3), and 4511.82(C)(3)). Finally, if a violation involves potentially dangerous litter, the sentencing court, in addition to the penalty, fines, and sanctions established under the bill, may require the violator to remove litter from any public or private property or in or on the waters of the state (secs. 1547.99(I)(4), 3767.99(E)(4), and 4511.82(C)(4)).

The bill also revises the penalties for violations of the existing prohibitions against littering in the Watercraft and Waterways Law and the Operation of Motor Vehicles Traffic Law so that the penalties are consistent with the penalty in the Nuisance Law. Under the bill, whoever violates the prohibition against littering in the Watercraft and Waterways Law or the Operation of Motor Vehicles Traffic Law is guilty of a misdemeanor of the third degree if the violation does not involve potentially dangerous litter (secs. 1547.99(I)(1) and 4511.82(C)(1)). Furthermore, if a violation involves litter other than potentially dangerous litter, the sentencing court, in addition to or in lieu of the penalty established in the bill, may require the violator to remove litter from any public or private property, or in or on waters of the state (secs. 1547.99(I)(4) and 4511.82(C)(4)).

---

## HISTORY

ACTION	DATE
Introduced	03-28-06

s0306-i-126.doc/kl

