

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 981

Short Title: N.C. Residents Report Litter Violations.

(Public)

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Sponsors: Senators Allran; Carpenter, Foxx, and Garwood.

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Referred to: Judiciary I.

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April 5, 2001

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT A CITATION MAY BE ISSUED FOR A LITTERING  
OFFENSE BASED ON THE AFFIDAVIT OF A WITNESS.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 52 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-399.3. Litter citation may be issued based on affidavit.**

(a) Any North Carolina resident who witnesses a littering violation under G.S. 14-399 that involves the operation of a motor vehicle may file a signed affidavit reporting the incident with a magistrate in the county in which the violation occurred. The affidavit shall include the license plate of the vehicle involved in the violation, a description of the vehicle, and the date, location, and approximate time of the violation.

(b) Based on the affidavit, the owner of the vehicle shall be issued a citation by the magistrate. The citation shall clearly state the manner in which the violation may be challenged. The citation shall be forwarded by personal service or first-class mail to the address given on the motor vehicle registration.

(c) Notwithstanding G.S. 14-399.3(b) the owner of the vehicle shall be responsible for a violation unless the owner can furnish evidence that the vehicle was, at the time of the violation, in the care, custody, or control of another person. The owner of the vehicle shall not be responsible for the violation if the owner of the vehicle, within 21 days after notification of the violation furnishes a magistrate of the county that issued the citation:

(1) The name and address of the person or company who leased, rented, or otherwise had the care, custody, and control of the vehicle; or

(2) An affidavit stating that the vehicle involved was, at the time stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle."

1           **SECTION 2.** By December 1, 2001, the Administrative Office of the Courts  
2 shall develop an affidavit form that may be used to report a violation as provided by  
3 G.S. 14-399.3. The Administrative Office of the Courts shall provide the forms to each  
4 magistrate in the State and each magistrate shall make the forms available to any  
5 member of the general public who requests one.

6           **SECTION 3.** This act is effective when it becomes law.