

**ACT 60**

**H.B. NO. 583**

**A Bill for an Act Relating to Environmental Quality and Litter Control.**

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The legislature finds that the visual appearance of much of our State is blighted by the presence of litter. In Act 2, First Special Session of 1977, the legislature established the litter control program to coordinate efforts to reduce the amount of litter in Hawaii. The legislature finds that an effective and ongoing public education and awareness program has been established. The legislature further finds that through the coordination of voluntary efforts, encouragement of recycling, business sponsorship of programs, provision of more litter receptacles, establishment of litter receptacle requirements, and establishment of more effective enforcement programs, significant efforts have been made to control the amount and extent of litter. The legislature finds that a continuation of efforts and programs is necessary to achieve the permanent reduction of litter in the State. The purpose of this Act is to provide for more consistent and effective prohibitions and penalties for littering in the State.

**SECTION 2.** Section 339-1, Hawaii Revised Statutes, is amended to read:

**“Sec. 339-1 Definitions.** As used in this chapter:

- (1) “Beverage” means beer or other malt beverages, mineral waters, fruit juices, ades, and other similar non-carbonated drinks, soda water and flavored carbonated drinks, in liquid form and intended for human consumption.
- (2) “Beverage container” means the individual, separate, sealed glass, metal or plastic bottle or can, containing a beverage.
- (3) “Department” means the department of health.
- (4) “Director” means the director of the department of health.
- (5) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or any debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.
- (6) “Litter bag” means a bag, sack, or other container which is large enough to serve as a receptacle for litter.
- (7) “Litter receptacle” means any container approved by the director and made available for the depositing of wastes.
- (8) “Public place” means any area that is used or held out for use by the public whether owned or operated by public or private interests.
- (9) “Recycle” means to extract from the waste collection items for which a market exists and delivering such items to a point where they are converted to a material for later manufacture or reprocessing.
- (10) “Watercraft” means any boat, ship, vessel, or other floating craft which is berthed in or sails upon the territorial waters of Hawaii.
- (11) “Waters of the State” means any stream, river, ocean, canal, harbor, bay, or the like located within the territorial limits of the State.”

**SECTION 3.** Section 339-4, Hawaii Revised Statutes, is amended to read:

**“Sec. 339-4 Prohibition.** (a) No person shall discard or otherwise dispose of litter in a public place, or on private property, without the consent of the owner, whose interest is affected thereby, or in the waters of the State except:

- (1) In a place which is designated by the department or the county for the disposal of garbage and refuse.

(2) Into a litter receptacle.

(3) Into a litter bag, provided that the bag is disposed of properly into a litter receptacle or in a place which is designated by the department or the county for the disposal of garbage and refuse.

(b) In the case of litter discarded or deposited from a vehicle on any highway, the driver of the vehicle may be cited for any litter discarded or deposited from such vehicle.

(c) No person in any way shall damage any litter receptacle so as to interfere with its proper function or to detrimentally affect its proper appearance.

(d) No person shall remove from its place, any litter receptacle which he does not own, or for which he does not have responsibility.

(e) No person shall transport litter from private households or commercial activities and discard them in litter receptacles located in public places.”

SECTION 4. Section 339-8, Hawaii Revised Statutes, is amended to read:

“**Sec. 339-8 Penalties.** Except as otherwise provided in this chapter, any person violating any provision of this chapter or any rule promulgated hereunder shall be guilty of a violation, and shall be fined not more than \$250 for each offense, or be ordered to pick up and remove litter from a public place under the supervision of the director or as the court shall otherwise provide for a period not exceeding eight hours, or both, for each offense. The penalty shall depend upon the type, quantity and location of the litter and on whether the litterer has previously been found in violation of this chapter. Major offenders should be subject to both the fine and to litter pick up and removal. All persons who are caught littering may be required to remove the litter that they caused or are liable for the costs of removing that litter.”

SECTION 5. Section 708-829, Hawaii Revised Statutes, is amended by amending subsection (2) to read:

“(2) “Litter” means rubbish, refuse, waste material, garbage, trash, offal or debris of whatever kind or description, and whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.”

SECTION 6. Section 291C-132, Hawaii Revised Statutes, is amended by amending subsection (b) to read:

“(b) “Litter” means rubbish, refuse, waste material, garbage, trash, offal, or debris of whatever kind or description, whether or not it is of value, and includes improperly discarded paper, metal, plastic, glass, or solid waste.”

SECTION 7. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 8. This Act shall take effect upon its approval.

(Approved May 16, 1979.)

\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.