

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5173

**FISCAL
NOTE**

By Delegates Holstein, T. Howell, Mallow, and Moore

[Introduced February 04, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §22-15A-4 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new article designated §22-15B-1; 22-15B-2; 22-15B-3; 22-
3 15B-4; 22-15B-5; 22-15B-6;and 22-15B-7, relating to littering and illegal dumping;
4 providing legislative findings; establishing definitions; authorizing enhanced enforcement
5 and cleanup programs; creating a Rural Illegal Dumping Prevention Fund; creating
6 criminal penalties; authorizing forfeiture; and providing for community service and
7 restitution requirements.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 15A. THE A. JAMES MANCHIN REHABILITATION ENVIRONMENTAL
ACTION PLAN.**

**§22-15A-4. Unlawful disposal of litter; civil and criminal penalty; Litter Control Fund;
evidence; notice violations; litter receptacle placement; penalty; duty to enforce
violations.**

1 (a) (1) A person may not place, deposit, dump, throw, or cause to be placed, deposited,
2 dumped, or thrown any litter as defined in §22-15A-2 of this code, in or upon any public or private
3 highway, road, street, or alley; any private property; any public property; or the waters of the state
4 or within 100 feet of the waters of this state, except in a proper litter or other solid waste receptacle.

5 (2) A person may not place, deposit, dump, throw, or cause to be placed, deposited,
6 dumped, or thrown any litter from a motor vehicle or other conveyance or perform any act which
7 constitutes a violation of the motor vehicle laws contained in §17C-14-14 of this code.

8 (3) If any litter is placed, deposited, dumped, discharged, thrown, or caused to be placed,
9 deposited, dumped, or thrown from a motor vehicle, boat, airplane, or other conveyance, it is prima
10 facie evidence that the owner or the operator of the motor vehicle, boat, airplane, or other
11 conveyance intended to violate the provisions of this section.

12 (4) Any person who violates the provisions of this section by placing, depositing, dumping,

13 or throwing or causing to be placed, deposited, dumped, or thrown any litter on his or her private
14 property in an amount not exceeding 50 pounds in weight is not subject to the criminal provisions
15 of this section.

16 (5) Any person who violates the provisions of this section by placing, depositing, dumping,
17 or throwing or causing to be placed, deposited, dumped, or thrown any litter, not collected for
18 commercial purposes, in an amount not exceeding 100 pounds in weight or 27 cubic feet in size, is
19 guilty of a misdemeanor. Upon conviction, he or she is subject to a fine of not less than \$100 nor
20 more than \$2,500, or in the discretion of the court, sentenced to perform community service by
21 cleaning up litter from any public highway, road, street, alley, or any other public park or public
22 property, or waters of the state, as designated by the court, for not less than eight nor more than
23 100 hours, or both. If any person is convicted of the misdemeanor by placing, depositing, dumping,
24 or throwing litter in the waters of the state, that person shall be fined not less than \$500 nor more
25 than \$3,000, or in the discretion of the court sentenced to perform community service by cleaning
26 up litter from any waters of the state, as designated by the court, for not less than 20 hours nor
27 more than 120 hours, or both.

28 (6) Any person who violates the provisions of this section by placing, depositing, dumping,
29 or throwing or causing to be placed, deposited, dumped, or thrown any litter, not collected for
30 commercial purposes, in an amount greater than 100 pounds in weight or 27 cubic feet in size, but
31 less than 500 pounds in weight or 216 cubic feet in size is guilty of a misdemeanor. Upon
32 conviction, he or she is subject to a fine of not less than \$2,500 nor more than \$5,000, or in the
33 discretion of the court, may be sentenced to perform community service by cleaning up litter from
34 any public highway, road, street, alley, or any other public park or public property, or waters of the
35 state, as designated by the court, for not less than 16 hours nor more than 200 hours, or both. If
36 any person is convicted of the misdemeanor by placing, depositing, dumping, or throwing litter in
37 the waters of the state, that person shall be fined not less than \$3,000 nor more than \$5,500, or in
38 the discretion of the court sentenced to perform community service by cleaning up litter from any

waters of the state, as designated by the court, for not less than 20 hours nor more than 220 hours, or both.

(7) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter in an amount greater than 500 pounds in weight or 216 cubic feet in size or any amount which had been collected for commercial purposes is guilty of a ~~misdemeanor~~ felony. Upon conviction, the person shall be fined not less than ~~\$2,500~~ \$5,000 nor more than ~~\$25,000~~ \$50,000 or ~~confinement in jail~~ imprisonment in a state correctional facility for not more than ~~one~~ five years, or both. If any person is convicted of the misdemeanor by placing, depositing, dumping, or throwing litter in the waters of the state, that person shall be fined not less than \$3,000 nor more than \$11,000, or confinement in jail for not more than one year, or both. In addition, he or she may be guilty of creating or contributing to an open dump as defined in §22-15-2 of this code and subject to the enforcement provisions of §22-15-15 of this code.

(8) Any person who violates the provisions of this section by placing, depositing, dumping, or throwing or causing to be placed, deposited, dumped, or thrown any litter within 1,000 feet of protected waters or wetlands shall incur enhanced fines—an additional 50% above any base penalty.

(9) Any person convicted of a second or subsequent violation of this section is subject to double the authorized range of fines, mandatory restitution, and community service for the subsection violated.

~~(9)~~ (10) The sentence of litter clean up shall be verified by environmental inspectors from the Department of Environmental Protection. Any defendant receiving the sentence of litter clean up shall provide, within a time to be set by the court, written acknowledgment from an environmental inspector that the sentence has been completed and the litter has been disposed of lawfully.

~~(10)~~ (11) Any person who has been found by the court to have willfully failed to comply with

the terms of a litter clean-up sentence imposed by the court pursuant to this section is subject to, at the discretion of the court, double the amount of the original fines and community service penalties originally ordered by the court.

~~(14)~~ (12) All law-enforcement agencies, officers, and environmental inspectors shall enforce compliance with this section within the limits of each agency's statutory authority.

~~(42)~~ (13) A magistrate or municipal court judge may not dismiss an action brought under the provisions of this section without notification to the prosecuting attorney of that county of his or her intention to do so and affording the prosecuting attorney an opportunity to be heard.

~~(43)~~ (14) No portion of this section restricts an owner, renter, or lessee in the lawful use of his or her own private property or rented or leased property or prohibits the disposal of any industrial and other wastes into waters of this state in a manner consistent with the provisions of §22-11-1 *et seq.* of this code. But if any owner, renter, or lessee, private or otherwise, knowingly permits any of these materials or substances to be placed, deposited, dumped, or thrown in a location that high water or normal drainage conditions will cause these materials or substances to wash into any waters of the state, it is prima facie evidence that the owner, renter, or lessee intended to violate the provisions of this section: *Provided*, That if a landowner, renter, or lessee, private or otherwise, reports any placing, depositing, dumping, or throwing of these substances or materials upon his or her property to the prosecuting attorney, county commission, the Division of Natural Resources, or the Department of Environmental Protection, the landowner, renter, or lessee will be presumed to not have knowingly permitted the placing, depositing, dumping, or throwing of the materials or substances.

(15) In addition to fines, courts shall authorize forfeiture of vehicles, trailers, or equipment used in the illegal dumping activity.

(b) Any indication of ownership found in litter is prima facie evidence that the person identified violated the provisions of this section: *Provided*, That no inference may be drawn solely from the presence of any logo, trademark, trade name, or other similar mass reproduced things of

91 identifying character appearing on the found litter.

92 (c) (1) Every person who is convicted of or pleads guilty to disposing of litter in violation of
93 subsection (a) of this section shall pay a civil penalty of not less than \$200 nor more than \$2,000 as
94 costs for clean up, investigation, and prosecution of the case, in addition to any other court costs
95 that the court is otherwise required by law to impose upon a convicted person.

96 (2) The clerk of the circuit court, magistrate court, or municipal court in which these
97 additional costs are imposed shall, on or before the last day of each month, transmit 50 percent of
98 a civil penalty received pursuant to this section to the State Treasurer for deposit in the State
99 Treasury to the credit of a special revenue fund known as the Litter Control Fund which was
100 transferred to the Department of Environmental Protection. Expenditures for purposes set forth in
101 this section are not authorized from collections but are to be made only in accordance with
102 appropriation and in accordance with the provisions of §12-3-1 *et seq.* of this code and upon
103 fulfillment of the provisions set forth in §5A-2-1 *et seq.* of this code. Amounts collected which are
104 found from time to time to exceed the funds needed for the purposes set forth in this article may be
105 transferred to other accounts or funds and designated for other purposes by appropriation of the
106 Legislature.

107 (d) The remaining 50 percent of each civil penalty collected pursuant to this section shall
108 be transmitted to the county or regional solid waste authority in the county where the litter violation
109 occurred. Moneys shall be expended by the county or regional solid waste authority for the
110 purpose of litter prevention, clean up, and enforcement. The county commission shall cooperate
111 with the county or regional solid waste authority serving the respective county to develop a
112 coordinated litter control program pursuant to §22C-4-8 of this code.

113 (e) The Commissioner of the Division of Motor Vehicles, upon registering a motor vehicle
114 or issuing an operator's or chauffeur's license, shall issue to the owner or licensee, as the case
115 may be, a summary of this section and §17C-14-14 of this code.

116 (f) The Commissioner of the Division of Highways shall cause appropriate signs to be

placed at the state boundary on each primary and secondary road, and at other locations throughout the state, informing those entering the state of the maximum penalty provided for disposing of litter in violation of subsection (a) of this section.

(g) Any state agency or political subdivision that owns, operates, or otherwise controls any public area designated by the secretary by rule promulgated pursuant to §22-15A-3(a)(8) of this code shall procure and place litter receptacles at its own expense upon its premises and shall remove and dispose of litter collected in the litter receptacles. After receiving two written warnings from any law-enforcement officer or officers to comply with this subsection or the rules of the secretary, any state agency or political subdivision that fails to place and maintain the litter receptacles upon its premises in violation of this subsection or the rules of the secretary shall be fined \$30 per day of the violation.

ARTICLE 15B. WEST VIRGINIA RURAL LITTERING AND ILLEGAL DUMPING PREVENTION ACT.

§22-15B-1. Short title.

This act shall be known and may be cited as the "West Virginia Rural Littering and Illegal Dumping Prevention Act".

§22-15B-2. Legislative findings.

The Legislature finds that:

(1) Litter and illegal dumping are public nuisances that degrade the environment, harm public health, and weaken the aesthetic value of rural landscapes.

(2) Existing littering and dumping statutes provide a foundation for enforcement but do not sufficiently deter recurrent or large-scale illegal dumping.

(3) Enhanced penalties, local enforcement authority, community involvement, and dedicated funding are necessary to strengthen rural clean-up efforts.

§22-15B-3.

Definitions.

1 For purposes of this article:

2 "Litter" has the same meaning as provided in §22-15A-2 of this code.

3 "Illegal dumping" means the unauthorized disposal of solid waste at a location other than a
4 permitted refuse facility, including rural roadsides, fields, waterways, or private property without
5 consent of the owner.

6 "Large-scale dumping" means any single incident involving 500 pounds or more of waste
7 or 216 cubic feet or greater.

§22-15B-4. Penalties and restitution.

1 (a) Penalties are provided under §22-15A-4 of this code.

2 (b) Restitution and Cleanup Orders.

3 (1) A person convicted under this section shall be ordered to personally remove or pay for
4 the lawful removal of all illegally dumped waste and restore the site to original condition, as verified
5 by the West Virginia Department of Environmental Protection (WVDEP) or local litter control
6 officer.

7 (2) Failure to comply with cleanup orders may result in additional fines of up to \$10,000 per
8 day until compliance.

9 (3) Community service orders shall be permitted, requiring offenders to participate in
10 organized litter pickup activities for a minimum of 40 hours.

§22-15B-5. Rural illegal dumping prevention fund.

1 (a) There is hereby created in the State Treasury a special revenue fund to be known as
2 the Rural Illegal Dumping Prevention Fund ("the Fund").

3 (b) The Fund shall consist of:

4 (1) Fines collected under this article;

5 (2) Grants, donations, and appropriations; and

6 (3) Any other revenues designated by law.

7 (c) Moneys in the Fund shall be used exclusively for:

- 8 (1) Rural litter and illegal dumping cleanup programs;
9 (2) Grants to county solid waste authorities for cleanup and enforcement;
10 (3) Public education campaigns on waste disposal and prevention; or
11 (4) Purchase of equipment for local enforcement and clean-up initiatives.

§22-15A-6. Enforcement authority and local officers.

1 (a) The West Virginia Department of Environmental Protection (WVDEP), county solid
2 waste authorities, and appointed Litter Control Officers shall have authority to enforce littering and
3 illegal dumping laws, issue citations, and refer cases for prosecution.

4 (b) Counties may designate peace officers or environmental enforcement officers to serve
5 as Litter Control Officers with powers to:

- 6 (1) Investigate and document illegal dumping sites;
7 (2) Issue citations and orders to cease unlawful disposal; and
8 (3) Work with WVDEP to collect evidence necessary for prosecution.

9 (c) To support rural enforcement, counties employing Litter Control Officers may apply for
10 financial assistance from the Rural Illegal Dumping Prevention Fund.

§22-15A-7. Signage and public awareness.

1 The WVDEP and the Department of Transportation shall collaborate to place signage on
2 rural state highways and secondary roads informing the public of penalties for littering and illegal
3 dumping and contact information to report violations.

NOTE: The purpose of this bill is to create the West Virginia Littering and Illegal Dumping Prevention Act and enhance the penalties.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.