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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 2339

Session of  
1980

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INTRODUCED BY WASS, PETERSON, W. W. FOSTER, WENGER, L. E. SMITH,  
CUNNINGHAM AND THOMAS, MARCH 3, 1980

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REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
MARCH 3, 1980

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AN ACT

1 Prohibiting the cutting, removal, transportation or sale within  
2 this Commonwealth for any purpose of Christmas trees,  
3 evergreen boughs or other trees, shrubs or vines or certain  
4 native plants, without a bill of sale or other proof of  
5 ownership from the owner of the land on which the same are  
6 grown and providing a penalty.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Required bill of sale.

10 No person shall cut, remove or transport, without having in  
11 possession bill of sale from the owner, in form prescribed by  
12 and available from the Department of Agriculture any Christmas  
13 trees, evergreen boughs or other trees, shrubs or vines or any  
14 of the following native plants: trailing arbutus, bird's foot  
15 violet, climbing bittersweet, club mosses, flowering dogwood,  
16 all holly, North American lotus, pipsissewa, and all native  
17 orchids, trilliums and gentians.

18 Section 2. Removal and identification.

19 No person shall transport within this Commonwealth any of the

1 trees, boughs, shrubs, vines or plants listed in section 1:

2 (1) if the same have been removed from property owned by  
3 the person, unless he has in possession a current tax receipt  
4 or deed with respect to said property; or

5 (2) if the same have been removed from property not  
6 owned by the person, unless:

7 (i) each tree, bough, shrub, vine or plant bears a  
8 tag placed thereon by and identifying the person and his  
9 address and stating from whom the same was acquired; or

10 (ii) the person has in his possession a bill of sale  
11 or other evidence of title acquisition in form to be  
12 prescribed by the Department of Agriculture.

13 Section 3. Record of sale.

14 No person shall sell or offer for sale any of the trees,  
15 boughs, shrubs, vines or plants listed in section 1 without  
16 having in his possession the evidence of title prescribed by  
17 section 2, nor without furnishing the purchaser a bill of sale  
18 or other evidence of title acquisition in form to be prescribed  
19 by the Department of Agriculture. Vendors shall maintain and  
20 keep for such period of time such records of their transactions  
21 as the Department of Agriculture shall by regulation prescribe.

22 Section 4. Evidence of title exhibited to common carrier.

23 No common carrier shall accept for shipment any of the trees,  
24 boughs, shrubs, vines or plants listed in section 1 unless the  
25 consignor, whose name and address is recorded, shall at the time  
26 of consignment exhibit the evidence of title prescribed by  
27 section 2.

28 Section 5. Inspection.

29 Any law enforcement officer having probable cause to believe  
30 that any section of this act is being violated, including

1 authorized employees of the Department of Environmental  
2 Resources and the Department of Agriculture, shall have the  
3 power to make inspections to determine whether any provisions of  
4 this act have been violated, which power shall include the right  
5 to stop any vehicle at any time, to inspect and make copies of  
6 bills of sale or other evidences of title prescribed by the  
7 Department of Agriculture, to arrest persons found to have any  
8 of the trees, boughs, shrubs, vines or plants prescribed in  
9 section 1 in possession in violation of the terms of this act,  
10 and to seize and hold any such trees, boughs, shrubs, vines or  
11 plants subject to the order of the court. Failure to exhibit a  
12 bill of sale or other evidence of title prescribed by the  
13 Department of Agriculture shall be prima facie evidence that no  
14 such bill of sale or other evidence of title exists.

15 Section 6. Enforcement.

16 The Secretary of Agriculture, in cooperation with the  
17 Department of Environmental Resources and law enforcement  
18 agencies, shall enforce the provisions of this act. The  
19 Secretary of Agriculture shall make such rules and regulations  
20 as he deems necessary for the enforcement of this act.

21 Section 7. Penalty.

22 A person is guilty of a misdemeanor of the third degree if  
23 he:

24 (1) Makes or utters a false and fraudulent bill of sale  
25 or other evidence of title required by this act.

26 (2) Unlawfully alters a bill of sale or other evidence  
27 of title with intent to defraud.

28 (3) Violates any other provisions of this act.

29 Section 8. Transportation of Christmas trees during December.

30 The provisions of this act shall not apply to the sale of or

1 the transportation by any one person of not more than two  
2 Christmas trees between November 30 and December 31 of the same  
3 year.

4 Section 9. Effective date.

5 This act shall take effect in 60 days.