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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL  
No. 256

Session of  
1983

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INTRODUCED BY WASS, BOWSER, STAIRS, HERSHEY, BUNT AND SAURMAN,  
FEBRUARY 15, 1983

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AS AMENDED ON SECOND CONSIDERATION, IN SENATE, OCTOBER 26, 1983

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AN ACT

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

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

8 SECTION 1. DEFINITIONS. <—

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL  
10 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 "TREES" OR "CHRISTMAS TREES." ANY RED PINE, SCOTCH PINE,  
13 WHITE PINE, AUSTRIAN PINE, SOUTHWESTERN WHITE PINE, NORWAY  
14 SPRUCE, WHITE SPRUCE, COLORADO BLUE SPRUCE, SERBIAN SPRUCE,  
15 DOUGLAS FIR, CONCOLOR FIR, BALSAM FIR AND FRASER FIR.

16 Section 2. Required bill of sale. <—

17 No person shall cut, dig, remove or transport, without having  
18 in possession a bill of sale from the owner, in form prescribed

1 by and available from the Department of Agriculture, any  
2 Christmas trees,~~evergreen boughs or shrubs~~.

<—

3 Section ~~2~~ 3. Removal and identification.

<—

4 No person shall cut, dig, remove or transport within this  
5 Commonwealth any of the trees,~~boughs or shrubs~~, listed in  
6 section ~~1~~ 2:

<—

<—

7 (1) if the same have been cut, dug, removed or  
8 transported from property owned or leased by the person,  
9 unless he has in possession a copy of a current tax receipt,  
10 lease or deed with respect to said property or can provide  
11 such evidence within 24 hours; or

12 (2) if the same have been cut, dug, removed or  
13 transported from property not owned or leased by the person,  
14 unless:

15 (i) each tree,~~bough or shrub~~ bears a tag placed <—  
16 thereon by and identifying the person and his address and  
17 stating from whom the same was acquired; or

18 (ii) the person has in his possession a bill of sale  
19 or other evidence of title acquisition or lease in form  
20 to be prescribed by the Department of Agriculture or can  
21 provide such evidence within 24 hours.

22 Section ~~3~~ 4. Record of sale.

<—

23 No person shall sell or offer for sale any of the trees,  
24 ~~boughs or shrubs~~ listed in section ~~1~~ 2 without having in his <—  
25 possession the evidence of title or lease prescribed by section  
26 ~~2~~ 3 or providing such evidence within 24 hours, nor without <—  
27 furnishing the purchaser a bill of sale or other evidence of  
28 title acquisition or lease in form to be prescribed by the  
29 Department of Agriculture. Vendors shall maintain and keep for  
30 such period of time such records of their transactions as the

1 Department of Agriculture shall by regulation prescribe.

2 Section 4 5. Evidence of title or lease exhibited to common <—  
3 carrier.

4 No common carrier shall accept for shipment any of the trees, <—  
5 ~~boughs or shrubs~~ listed in section 4 2 unless the consignor, <—  
6 whose name and address is recorded, shall at the time of  
7 consignment exhibit the evidence of title or lease prescribed by  
8 section 4 3. <—

9 Section 5 6. Inspection. <—

10 Any law enforcement officer having probable cause to believe  
11 that any section of this act is being violated shall have the  
12 power to make inspections to determine whether any provisions of  
13 this act have been violated, which power shall include the right  
14 to stop any vehicle at any time, to inspect and make copies of  
15 bills of sale or other evidences of title or lease prescribed by  
16 the Department of Agriculture, to arrest persons found to have  
17 any of the trees, ~~boughs or shrubs~~ prescribed in section 4 2 in <—  
18 possession in violation of the terms of this act, and to seize  
19 and hold any such trees, ~~boughs or shrubs~~ subject to the order <—  
20 of the court. Failure to exhibit a bill of sale or other  
21 evidence of title or lease prescribed by the Department of  
22 Agriculture shall be prima facie evidence that no such bill of  
23 sale or other evidence of title or lease exists.

24 Section 6 7. Enforcement. <—

25 The Secretary of Agriculture, in cooperation with the  
26 Department of Environmental Resources and law enforcement  
27 agencies, shall enforce the provisions of this act. The  
28 Secretary of Agriculture shall make such rules and regulations  
29 as he deems necessary for the enforcement of this act.

30 Section 7 8. Penalty. <—

1 A person is guilty of a misdemeanor of the third degree if  
2 he:

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

5 (2) Unlawfully alters a bill of sale or other evidence  
6 of title or lease with intent to defraud.

7 (3) Cuts, digs, removes, transports or sells any tree, <—  
8 ~~bough or shrub~~ in violation of sections ~~1, 2, 3 and 4~~ 2, 3, 4 <—  
9 AND 5.

10 Section ~~8~~ 9. Sale and transportation of Christmas trees during <—  
11 December.

12 The provisions of this act shall not apply to the cutting,  
13 digging, removing and transportation by any one person of less  
14 than three Christmas trees between November 15 and January 7 of  
15 the following year nor shall it apply to the retail vendor of  
16 Christmas trees during the same period, provided that such  
17 retail vendor has in its possession evidence of title or lease  
18 as prescribed by section ~~23~~(2)(ii). <—

19 Section ~~9~~ 10. Exemption from applicability. <—

20 The provisions of this act shall not apply to the  
21 transportation of Christmas trees to dumping areas in vehicles  
22 customarily used for the hauling of trash or garbage.

23 Section ~~10~~ 11. Effective date. <—

24 This act shall take effect in 60 days.