
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 256

Session of
1983

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

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 16, 1983

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~~.

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

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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~~ 1:

<—

<—

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.

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23 No person shall sell or offer for sale any of the trees,
24 ~~boughs or shrubs~~ listed in section ~~1-2~~ 1 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

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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 ~~1-2~~ 1 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 ~~2~~ 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~~ LISTED in section <—
18 ~~1-2~~ 1 in possession in violation of the terms of this act, and <—
19 to seize and hold any such trees, ~~boughs or shrubs~~ subject to <—
20 the order of the court. Failure to exhibit a bill of sale or
21 other 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.