

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

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# HOUSE BILL

## No. 1073

Session of  
1985

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INTRODUCED BY WILSON, D. R. WRIGHT, KUKOVICH, J. L. WRIGHT,  
DISTLER, BURD, GREENWOOD, FARGO, VROON, AFFLERBACH, SAURMAN,  
NAHILL, SHOWERS, JOHNSON, CORNELL, E. Z. TAYLOR, DAWIDA,  
REBER, BARLEY, BOOK, MAYERNIK, PETRONE, FOX, SEVENTY, SEMMEL,  
BRANDT, BUSH, MICOZZIE, MORRIS, COY, YANDRISEVITS,  
J. J. TAYLOR, KENNEY, JAROLIN, BURNS, BOYES, B. SMITH,  
A. C. FOSTER, JR., BATTISTO, MAIALE, WIGGINS, VAN HORNE,  
DALEY, JOSEPHS, LINTON, DIETZ, HALUSKA, PRESSMANN, RYBAK,  
MERRY, CARN, HUTCHINSON, GEIST, TRELLO, DININNI, MICHLOVIC,  
STEIGHNER, NOYE, McVERRY, POTT, BLACK, BUNT, PETRARCA, EVANS  
AND ACOSTA, APRIL 24, 1985

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AS RE-REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 2, 1985

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## AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for the registration of vehicles,  
3 for the suspension of registration, for the depositing of  
4 waste from vehicles upon highways, property and waters, and  
5 for the disposition of certain fines and bail forfeitures.

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

8 Section 1. Title 75 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a section to read:

10 § 1317. Acknowledgment of littering provisions.

11 On every application for registration of a motor vehicle, the  
12 following statement shall be printed immediately above the  
13 signature of the applicant:

14 I hereby acknowledge this day that I have received notice

1 of the provisions of section 3709 of the Vehicle Code,  
2 which provides for a \$300 FINE OF UP TO \$300 fine for <—  
3 dropping, throwing, depositing upon any highway, or upon  
4 any other public or private property without the consent  
5 of the owner thereof or into or on the waters of this  
6 Commonwealth from a vehicle, any waste paper, sweepings,  
7 ashes, household waste, glass, metal, refuse or rubbish  
8 or any dangerous or detrimental substance, or permitting  
9 any of the preceding without immediately removing such  
10 items or causing their removal.

11 I further acknowledge that I am bound by this provision  
12 and that I may be prosecuted for any violation of section  
13 3709, and that the registration of this vehicle may be <—  
14 suspended if two violations from my vehicle occur within  
15 a 12 month period including violations I MAY BE SUBJECT <—  
16 TO A FINE OF UP TO \$300 UPON CONVICTION FOR ANY VIOLATION  
17 THEREOF, INCLUDING ANY VIOLATION resulting from the  
18 conduct of any other persons operating, in possession of  
19 or present within this vehicle with my permission, IF I <—  
20 DO NOT WITH REASONABLE CERTAINTY IDENTIFY THE DRIVER OF  
21 THE VEHICLE AT THE TIME THE VIOLATION OCCURRED.

22 Section 2. Section 1373 of Title 75 is amended by adding a <—  
23 paragraph to read:

24 § 1373. Suspension of registration.

25 The department may suspend any registration after providing  
26 opportunity for a hearing in any of the following cases when the  
27 department finds upon sufficient evidence that:

28 \* \* \*

29 (8) The registrant has violated section 3709 (relating  
30 to depositing waste and other material on highway, property

~~or waters) or permitted a violation of that section from his  
vehicle twice during the preceding 12 months, regardless of  
the registrant's lack of knowledge relating to the violation  
of section 3709.~~

SECTION 2. TITLE 75 IS AMENDED BY ADDING A SECTION TO READ: <—

§ 1520. ACKNOWLEDGMENT OF LITTERING PROVISIONS.

ON EVERY APPLICATION FOR A LEARNER'S PERMIT OR DRIVER'S  
LICENSE, THE FOLLOWING STATEMENT SHALL BE PRINTED IMMEDIATELY  
ABOVE THE SIGNATURE OF THE APPLICANT:

I HEREBY ACKNOWLEDGE THIS DAY THAT I HAVE RECEIVED NOTICE  
OF THE PROVISIONS OF SECTION 3709 OF THE VEHICLE CODE,  
WHICH PROVIDES FOR A FINE OF UP TO \$300 FOR DROPPING,  
THROWING, DEPOSITING UPON ANY HIGHWAY, OR UPON ANY OTHER  
PUBLIC OR PRIVATE PROPERTY WITHOUT THE CONSENT OF THE  
OWNER THEREOF OR INTO OR ON THE WATERS OF THIS  
COMMONWEALTH FROM A VEHICLE, ANY WASTE PAPER, SWEEPINGS,  
ASHES, HOUSEHOLD WASTE, GLASS, METAL, REFUSE OR RUBBISH  
OR ANY DANGEROUS OR DETRIMENTAL SUBSTANCE, OR PERMITTING  
ANY OF THE PRECEDING WITHOUT IMMEDIATELY REMOVING SUCH  
ITEMS OR CAUSING THEIR REMOVAL.

I FURTHER ACKNOWLEDGE THAT I AM BOUND BY THIS PROVISION,  
THAT I MAY BE PROSECUTED FOR ANY VIOLATION OF SECTION  
3709, AND THAT I MAY BE SUBJECT TO A FINE OF UP TO \$300  
AND INCUR TWO POINTS AGAINST MY DRIVING RECORD UPON  
CONVICTION FOR ANY VIOLATION THEREOF, INCLUDING ANY  
VIOLATION RESULTING FROM THE CONDUCT OF ANY OTHER PERSONS  
PRESENT WITHIN ANY VEHICLE OF WHICH I AM THE DRIVER.

SECTION 3. SECTION 1535(A) OF TITLE 75 IS AMENDED TO READ:

§ 1535. SCHEDULE OF CONVICTIONS AND POINTS.

(A) GENERAL RULE.--A POINT SYSTEM FOR DRIVER EDUCATION AND

1 CONTROL IS HEREBY ESTABLISHED WHICH IS RELATED TO OTHER  
 2 PROVISIONS FOR USE, SUSPENSION AND REVOCATION OF THE OPERATING  
 3 PRIVILEGE AS SPECIFIED UNDER THIS TITLE. EVERY DRIVER LICENSED  
 4 IN THIS COMMONWEALTH WHO IS CONVICTED OF ANY OF THE FOLLOWING  
 5 OFFENSES SHALL BE ASSESSED POINTS AS OF THE DATE OF VIOLATION IN  
 6 ACCORDANCE WITH THE FOLLOWING SCHEDULE:

7	SECTION NUMBER	OFFENSE	POINTS
8	1512	VIOLATION OF RESTRICTION ON	
9		DRIVER'S LICENSE.	2
10	1571	VIOLATIONS CONCERNING LICENSES.	3
11	3102	FAILURE TO OBEY POLICEMAN OR	
12		AUTHORIZED PERSON.	2
13	3112(A)(3)(I)	FAILURE TO STOP FOR A RED LIGHT.	3
14	3114(A)(1)	FAILURE TO STOP FOR A FLASHING	
15		RED LIGHT.	3
16	3302	FAILURE TO YIELD HALF OF ROADWAY	
17		TO ONCOMING VEHICLE.	3
18	3303	IMPROPER PASSING.	3
19	3304	OTHER IMPROPER PASSING.	3
20	3305	OTHER IMPROPER PASSING.	3
21	3306(A)(1)	OTHER IMPROPER PASSING.	4
22	3306(A)(2)	OTHER IMPROPER PASSING.	3
23	3306(A)(3)	OTHER IMPROPER PASSING.	3
24	3307	OTHER IMPROPER PASSING.	3
25	3310	FOLLOWING TOO CLOSELY.	3
26	3321	FAILURE TO YIELD TO DRIVER ON THE	
27		RIGHT AT INTERSECTION.	3
28	3322	FAILURE TO YIELD TO ONCOMING	

1		DRIVER WHEN MAKING LEFT TURN.	3
2	3323(B)	FAILURE TO STOP FOR STOP SIGNS.	3
3	3324	FAILURE TO YIELD WHEN ENTERING OR	
4		CROSSING ROADWAY BETWEEN INTER-	
5		SECTIONS.	3
6	3332	IMPROPER TURNING AROUND.	3
7	3341	FAILURE TO STOP FOR FLASHING RED	
8		LIGHTS OR GATE AT RAILROAD	
9		CROSSING.	3
10	3344	FAILURE TO STOP WHEN ENTERING FROM	
11		ALLEY, DRIVEWAY OR BUILDING.	3
12	3345(A)	FAILURE TO STOP FOR SCHOOL BUS	
13		WITH FLASHING RED LIGHTS.	5
14		(AND 60 DAYS SUSPENSION)	
15	3361	DRIVING TOO FAST FOR CONDITIONS.	2
16	3362	EXCEEDING MAXIMUM SPEED.--OVER LIMIT:	
17		6-10	2
18		11-15	3
19		16-25	4
20		26-30	5
21		31-OVER	5
22		(AND DEPARTMENTAL HEARING	
23		AND SANCTIONS PROVIDED	
24		UNDER SECTION 1538(D))	
25	3365(B)	EXCEEDING SPECIAL SPEED LIMIT	
26		IN SCHOOL ZONES.	3
27	3365(C)	EXCEEDING SPECIAL SPEED LIMIT	
28		FOR TRUCKS ON DOWNGRADES.	3
29	3542(A)	FAILURE TO YIELD TO PEDESTRIANS IN	
30		CROSSWALK.	2

1	3547	FAILURE TO YIELD TO PEDESTRIAN ON	
2		SIDEWALK.	3
3	3549(A)	FAILURE TO YIELD TO BLIND	
4		PEDESTRIAN.	3
5	3702	IMPROPER BACKING.	3
6	<u>3709(B)(2)</u>	<u>PERMITTING LITTERING FROM THE</u>	
7		<u>VEHICLE.</u>	<u>2</u>
8	3714	RECKLESS DRIVING.	3
9	3745	LEAVING SCENE OF ACCIDENT	
10		INVOLVING PROPERTY DAMAGE ONLY.	4
11	* * *		

12 Section ~~3~~ 4. The heading and section 3709(a) ~~and (b)~~, (B) <—  
13 AND (D) of Title 75 are amended and the section is amended by  
14 adding a subsection to read:

15 § 3709. Depositing waste and other material on highway,  
16 property or waters.

17 (a) General rule.--No person shall throw or deposit upon any  
18 highway, or upon any other public or private property without  
19 the consent of the owner thereof or into or on the waters of  
20 this Commonwealth from a vehicle, any waste paper, sweepings,  
21 ashes, household waste, glass, metal, refuse or rubbish, or any  
22 dangerous or detrimental substance.

23 (b) Removal of deposited material.--

24 (1) Any person who drops, or permits to be dropped or  
25 thrown, upon any highway, or upon any other public or private  
26 property without the consent of the owner thereof or into or  
27 on any waters of this Commonwealth from a vehicle, any waste  
28 paper, sweepings, ashes, household waste, glass, metal,  
29 refuse or rubbish, or any dangerous or detrimental substance  
30 shall immediately remove the same or cause it to be removed.

1        (2) For the purposes of this subsection, a "person who  
2 permits to be dropped or thrown" FROM A VEHICLE any of the <—  
3 items described in paragraph (1) shall include THE DRIVER OF <—  
4 THE VEHICLE AND the registrant of any vehicle registered in  
5 this Commonwealth from which any of the items are dropped or  
6 thrown, either by the registrant or any person operating, in  
7 possession of, or present within the vehicle with the  
8 permission of the registrant, regardless of the registrant's  
9 intent or lack of knowledge with respect to the disposal of  
10 such items in violation of this section WHERE THE REGISTRANT <—  
11 OF THE VEHICLE DOES NOT WITH REASONABLE CERTAINTY IDENTIFY  
12 THE DRIVER OF THE VEHICLE AT THE TIME THE VIOLATION OCCURRED.

13        \* \* \*

14        (D) PENALTY.--ANY PERSON VIOLATING ANY OF THE PROVISIONS OF <—  
15 SUBSECTION (A) OR (B) IS GUILTY OF A SUMMARY OFFENSE AND SHALL,  
16 UPON CONVICTION, BE SENTENCED [TO PAY A FINE OF NOT MORE THAN  
17 \$300.] TO EITHER OR BOTH OF THE FOLLOWING:

18        (1) TO PAY A FINE OF NOT MORE THAN \$300.

19        (2) EXCEPT WHERE INFIRMITY OR AGE OR OTHER CIRCUMSTANCE  
20 WOULD CREATE A HARDSHIP, BE DIRECTED BY THE COURT IN WHICH  
21 CONVICTION IS OBTAINED TO PICK UP AND REMOVE LITTER FROM  
22 PUBLIC PROPERTY OR PRIVATE PROPERTY, OR BOTH, WITH PRIOR  
23 PERMISSION OF THE LEGAL OWNER. IF THE PERSON HAS NO PRIOR  
24 RECORD OF CONVICTIONS FOR VIOLATION OF THIS SECTION, HE MAY  
25 BE SENTENCED TO PICK UP AND REMOVE LITTER FOR NOT LESS THAN  
26 EIGHT HOURS NOR MORE THAN 16 HOURS. UPON A SECOND CONVICTION,  
27 THE PERSON MAY BE SENTENCED TO PICK UP AND REMOVE LITTER FOR  
28 NOT LESS THAN 16 HOURS AND NOT MORE THAN 32 HOURS. UPON THIRD  
29 AND SUBSEQUENT CONVICTIONS, HE MAY BE SENTENCED TO PICK UP  
30 AND REMOVE LITTER FOR NOT LESS THAN 40 HOURS AND NOT MORE

1 THAN 80 HOURS. THE COURT SHALL SCHEDULE THE TIME TO BE SPENT  
2 ON SUCH ACTIVITIES IN SUCH A MANNER THAT IT DOES NOT  
3 INTERFERE WITH THE PERSON'S EMPLOYMENT AND DOES NOT INTERFERE  
4 SUBSTANTIALLY WITH THE PERSON'S FAMILY RESPONSIBILITIES OR  
5 RELIGIOUS OBLIGATIONS.

6 (e) Disposition of fines, etc.--Revenue from the collection  
7 of fines and bail forfeitures in the course of enforcement of  
8 this section shall be distributed in the following manner:

9 (1) One-half shall be distributed to the agency or local  
10 government unit which brought the action to enforce this  
11 section and may be used to defray the expenses of enforcing  
12 this section, at the option of the agency or local government  
13 unit.

14 (2) One-half shall be allocated to the department for  
15 Statewide public education and awareness programs to promote  
16 litter control and recycling and awareness of the provisions  
17 of this section.

18 Section 4 5. The provisions of this act are severable. If <—  
19 any provision of this act or its application to any person or  
20 circumstance is held invalid, the invalidity shall not affect  
21 other provisions or applications of this act which can be given  
22 effect without the invalid provision or application.

23 Section 5 6. This act shall take effect on July 1 next <—  
24 following 60 days from the date of final enactment.