

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2473** Session of  
1986

INTRODUCED BY GANNON, WOZNIAK, MICOZZIE, HASAY, CIVERA, McCALL,  
ARTY, FLICK, OLASZ, R. C. WRIGHT, LEVDANSKY, BATTISTO, LUCYK,  
SEVENTY, PISTELLA, BROUJOS, FREIND, DURHAM, SERAFINI, GEIST,  
HAYES, RAYMOND, REBER AND COY, MAY 7, 1986

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 7, 1986

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, providing for solid waste transporters.

3 The General Assembly of the Commonwealth of Pennsylvania  
4 hereby enacts as follows:

5 Section 1. Section 3709 of Title 75 of the Pennsylvania  
6 Consolidated Statutes, amended March 27, 1986 (P.L.71, No.24),  
7 is amended to read:

8 § 3709. Depositing waste and other material on highway,  
9 property or waters.

10 (a) General rule.--No person shall throw or deposit, upon  
11 any highway or upon any other public or private property without  
12 the consent of the owner thereof or into or on the waters of  
13 this Commonwealth, from a vehicle, any waste paper, sweepings,  
14 ashes, household waste, glass, metal, refuse or rubbish, or any  
15 dangerous or detrimental substance.

16 (b) Solid waste transporters.--It is unlawful for any  
17 commercial, industrial or municipal transporter of solid waste

1 to deposit or dump waste along or on any highway. Solid waste  
2 shall mean any waste, including, but not limited to, municipal,  
3 residual or hazardous, including solid, liquid, semisolid or  
4 contained gaseous materials. Any person or municipality that  
5 violates this subsection is guilty of a misdemeanor of the third  
6 degree and shall, upon conviction, be sentenced to pay a fine of  
7 \$1,000 for each violation, or to imprisonment for not more than  
8 one year, or both.

9     ~~[(b)]~~ (c) Removal of deposited material.--

10         (1) Any person who drops, or permits to be dropped or  
11         thrown, upon any highway or upon any other public or private  
12         property without the consent of the owner thereof or into or  
13         on any waters of this Commonwealth, from a vehicle, any waste  
14         paper, sweepings, ashes, household waste, glass, metal,  
15         refuse or rubbish, or any dangerous or detrimental substance  
16         shall immediately remove the same or cause it to be removed.

17         (2) For the purposes of this subsection a "person who  
18         permits to be dropped or thrown" from a vehicle any of the  
19         items described in paragraph (1) shall include the driver of  
20         the vehicle and the registrant of any vehicle registered in  
21         this Commonwealth from which any of the items are dropped or  
22         thrown, either by the registrant or any person operating, in  
23         possession of or present within the vehicle with the  
24         permission of the registrant, regardless of the registrant's  
25         intent or lack of knowledge with respect to the disposal of  
26         such items in violation of this section where the registrant  
27         of the vehicle does not, with reasonable certainty, identify  
28         the driver of the vehicle at the time the violation occurred.

29     ~~[(c)]~~ (d) Removal of material following accident.--Any  
30     person removing a wrecked, damaged or disabled vehicle from a

1 highway shall remove from the highway or neutralize any glass,  
2 oil or other injurious substance resulting from the accident or  
3 disablement.

4 [(d)] (e) Penalty.--Any person violating any of the  
5 provisions of subsection (a) or [(b)] (c) is guilty of a summary  
6 offense and shall, upon conviction, be sentenced to either or  
7 both of the following:

8 (1) To pay a fine of not more than \$300.

9 (2) Except where infirmity or age or other circumstance  
10 would create a hardship, be directed by the court in which  
11 conviction is obtained to pick up and remove litter from  
12 public property or private property, or both, with prior  
13 permission of the legal owner. If the person has no prior  
14 record of convictions for violation of this section, he may  
15 be sentenced to pick up and remove litter for not less than  
16 eight hours nor more than 16 hours. Upon a second conviction,  
17 the person may be sentenced to pick up and remove litter for  
18 not less than 16 hours and not more than 32 hours. Upon third  
19 and subsequent convictions, he may be sentenced to pick up  
20 and remove litter for not less than 40 hours and not more  
21 than 80 hours. The court shall schedule the time to be spent  
22 on such activities in such a manner that it does not  
23 interfere with the person's employment and does not interfere  
24 substantially with the person's family responsibilities or  
25 religious obligations.

26 [(e)] (f) Disposition of fines, etc.--Revenue from the  
27 collection of fines and bail forfeitures in the course of  
28 enforcement of this section shall be distributed in the  
29 following manner:

30 (1) One-half shall be distributed to the agency or local

1 government unit which brought the action to enforce this  
2 section and may be used to defray the expenses of enforcing  
3 this section, at the option of the agency or local government  
4 unit.

5 (2) One-half shall be allocated to the department for  
6 Statewide public education and awareness programs to promote  
7 litter control and recycling and awareness of the provisions  
8 of this section.

9 Section 2. This act shall take effect in 60 days.