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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 2051** Session of  
1999

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INTRODUCED BY PIPPY, NOVEMBER 9, 1999

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REFERRED TO COMMITTEE ON TRANSPORTATION, NOVEMBER 9, 1999

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for depositing waste and other  
3 material on highway, property or waters.

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

6 Section 1. Section 3709 of Title 75 of the Pennsylvania  
7 Consolidated Statutes 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  
12 without the consent of the owner thereof or into or on the  
13 waters of this Commonwealth from a vehicle, any waste paper,  
14 sweepings, ashes, household waste, glass, metal, refuse or  
15 rubbish, or any dangerous or detrimental substance.

16 (b) Removal of deposited material.--

17 (1) Any person who drops, or permits to be dropped or  
18 thrown, upon any highway, or upon any other public or private

1 property without the consent of the owner thereof or into or  
2 on any waters of this Commonwealth from a vehicle, any waste  
3 paper, sweepings, ashes, household waste, glass, metal,  
4 refuse or rubbish, or any dangerous or detrimental substance  
5 shall immediately remove the same or cause it to be removed.

6 (2) For the purposes of this subsection a "person who  
7 permits to be dropped or thrown" from a vehicle any of the  
8 items described in paragraph (1) shall include the driver of  
9 the vehicle and the registrant of any vehicle registered in  
10 this Commonwealth from which any of the items are dropped or  
11 thrown, either by the registrant or any person operating, in  
12 possession of or present within the vehicle with the  
13 permission of the registrant, regardless of the registrant's  
14 intent or lack of knowledge with respect to the disposal of  
15 such items in violation of this section where the registrant  
16 of the vehicle does not, with reasonable certainty, identify  
17 the driver of the vehicle at the time the violation occurred.

18 (c) Removal of material following accident.--Any person  
19 removing a wrecked, damaged or disabled vehicle from a highway  
20 shall remove from the highway or neutralize any glass, oil or  
21 other injurious substance resulting from the accident or  
22 disablement.

23 (c.1) Suspension of operating privilege.--In addition to the  
24 penalty provided for in this section, if any of the items  
25 described in subsection (a) is dropped, deposited or thrown from  
26 a vehicle, the driver of the vehicle shall be subject to an  
27 immediate suspension of the operating privilege for a period of  
28 60 days.

29 (d) Penalty.--Any person violating any of the provisions of  
30 subsection (a) or (b) is guilty of a summary offense and shall,

1 upon conviction, be sentenced to either or both of the  
2 following:

3 (1) To pay a fine of not less than \$100 nor more than  
4 \$300.

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

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

25 (1) One-half shall be distributed to the agency or local  
26 government unit which brought the action to enforce this  
27 section and may be used to defray the expenses of enforcing  
28 this section, at the option of the agency or local government  
29 unit.

30 (2) One-half shall be allocated to the department for

1       Statewide public education and awareness programs to promote  
2       litter control and recycling and awareness of the provisions  
3       of this section.

4       Section 2. This act shall apply to offenses committed on or  
5       after the effective date of this act.

6       Section 3. This act shall take effect in 60 days.