

---

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 431 Session of  
2017

---

INTRODUCED BY SCAVELLO, RESCHENTHALER, SCHWANK, YUDICHAK,  
HAYWOOD, WHITE AND BREWSTER, FEBRUARY 27, 2017

---

REFERRED TO TRANSPORTATION, FEBRUARY 27, 2017

---

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, in nuisances, further  
3 providing for the offense of scattering rubbish; in  
4 registration of vehicles and in licensing of drivers, further  
5 providing for the acknowledgment of littering provisions;  
6 and, in miscellaneous provisions, further providing for the  
7 offense of depositing of waste and other material on highway,  
8 property or waters.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 6501(b)(1) and (2) of Title 18 of the  
12 Pennsylvania Consolidated Statutes are amended and the  
13 subsection is amended by adding paragraphs to read:

14 § 6501. Scattering rubbish.

15 \* \* \*

16 (b) Penalty.--

17 (1) A person who violates subsection (a)(1) or (2) is  
18 guilty of a summary offense for the first offense and upon  
19 conviction thereof shall be sentenced to pay a fine of not  
20 less than \$50 nor more than [~~\$300~~] \$1,000 or to imprisonment  
21 for not more than 90 days, or both, as provided in paragraph

1 (6).

2 (2) A person who violates subsection (a) (1) or (2) is  
3 guilty of a misdemeanor of the third degree for the second  
4 and subsequent offense and upon conviction thereof shall be  
5 sentenced to pay a fine of not less than [\$300] \$100 nor more  
6 than [\$1,000] \$2,000, as provided in paragraph (6). The  
7 person also may be sentenced to imprisonment or to performing  
8 a community service for a period not to exceed one year.

9 \* \* \*

10 (6) Fines shall be imposed as follows:

11 (i) For littering of five pounds or less for the  
12 first offense, the fine shall be not less than \$50 nor  
13 more than \$300.

14 (ii) For littering of more than five pounds but less  
15 than 100 pounds or 25 cubic feet for the first offense,  
16 the fine shall be not less than \$300 nor more than \$500.

17 (iii) For littering of more than 100 pounds or 25  
18 cubic feet or more for the first offense, the fine shall  
19 be not less than \$500 nor more than \$1,000.

20 (iv) For littering of less than five pounds for the  
21 second and subsequent offense, the fine shall be not less  
22 than \$100 nor more than \$500.

23 (v) For littering of more than five pounds but less  
24 than 100 pounds or 25 cubic feet for the second and  
25 subsequent offense, the fine shall be not less than \$500  
26 nor more than \$1,000.

27 (vi) For littering of more than 100 pounds or 25  
28 cubic feet for the second and subsequent offense, the  
29 fine shall be not less than \$1,000 nor more than \$2,000.

30 (7) Two-thirds of any fine over \$300 collected under

1 paragraph (1) or (2) for an offense that occurred in a county  
2 that has established a litter board or any other authority,  
3 organization, department, bureau or board established by the  
4 county to administer solid waste management as designated by  
5 the county commissioners shall be transmitted to the litter  
6 board or the other authority, organization, department,  
7 bureau or board.

8 \* \* \*

9 Section 2. Sections 1317 and 1520 of Title 75 are amended to  
10 read:

11 § 1317. Acknowledgment of littering provisions.

12 On every vehicle registration card, the following statement  
13 shall be printed immediately above or below the signature of the  
14 applicant:

15 I hereby acknowledge this day that I have received notice  
16 of the provisions of section 3709 of the Vehicle Code.

17 Also printed on the registration card shall be the following:

18 Section 3709 provides for a fine of up to [\$300] \$2,000  
19 for dropping, throwing or depositing, upon any highway,  
20 or upon any other public or private property without the  
21 consent of the owner thereof or into or on the waters of  
22 this Commonwealth from a vehicle, any waste paper,  
23 sweepings, ashes, household waste, glass, metal, refuse  
24 or rubbish or any dangerous or detrimental substance, or  
25 permitting any of the preceding without immediately  
26 removing such items or causing their removal.

27 For any violation of section 3709, I may be subject to a  
28 fine of up to [\$300] \$2,000 upon conviction, including  
29 any violation resulting from the conduct of any other  
30 persons operating, in possession of or present within

1           this vehicle with my permission, if I do not with  
2           reasonable certainty identify the driver of the vehicle  
3           at the time the violation occurred.

4 § 1520. Acknowledgment of littering provisions.

5           On every application for a learner's permit or driver's  
6 license, the following statement shall be printed immediately  
7 above or below the signature of the applicant:

8           I hereby acknowledge this day that I have received notice  
9           of the provisions of section 3709 of the Vehicle Code.

10 Also printed on the card shall be the following:

11           Section 3709 provides for a fine of up to [\$300] \$2,000  
12 for dropping, throwing or depositing, upon any highway,  
13 or upon any other public or private property without the  
14 consent of the owner thereof or into or on the waters of  
15 this Commonwealth from a vehicle, any waste paper,  
16 sweepings, ashes, household waste, glass, metal, refuse  
17 or rubbish or any dangerous or detrimental substance, or  
18 permitting any of the preceding without immediately  
19 removing such items or causing their removal.

20           For any violation of section 3709, I may be subject to a  
21 fine of up to [\$300] \$2,000 upon conviction, including  
22 any violation resulting from the conduct of any other  
23 persons present within any vehicle of which I am the  
24 driver.

25           Section 3. Section 3709(d)(1) and (e) of Title 75 are  
26 amended and the section is amended by adding a subsection to  
27 read:

28 § 3709. Depositing waste and other material on highway,  
29           property or waters.

30           \* \* \*

1 (d) Penalty.--Any person violating any of the provisions of  
2 subsection (a) or (b) commits a summary offense and shall, upon  
3 conviction, be sentenced to either or both of the following:

4 (1) To pay [a fine of not more than]:

5 (i) [\$900] for a violation which occurs in an  
6 easement purchased under the program established by  
7 section 14.1 of the act of June 30, 1981 (P.L.128,  
8 No.43), known as the Agricultural Area Security Law, a  
9 fine of not less than \$900 nor more than \$1,500;

10 (ii) [\$600] for a violation which occurs in an  
11 agricultural security area as defined in section 3 of the  
12 Agricultural Area Security Law, a fine of not less than  
13 \$600 nor more than \$1,200; or

14 (iii) [\$300] for a violation which occurs anywhere  
15 else[.]:

16 (A) For littering of five pounds or less for the  
17 first offense, a fine of \$100.

18 (B) For littering of more than five pounds but  
19 less than 100 pounds or 25 cubic feet for the first  
20 offense, a fine of \$500.

21 (C) For littering of more than 100 pounds or 25  
22 cubic feet or more for the first offense, a fine of  
23 \$1,000.

24 (D) For littering of less than five pounds for  
25 the second and subsequent offense, a fine of \$500.

26 (E) For littering of more than five pounds but  
27 less than 100 pounds or 25 cubic feet for the second  
28 and subsequent offense, a fine of \$1,000.

29 (F) For littering of more than 100 pounds or 25  
30 cubic feet for the second and subsequent offense, a

1                   fine of \$2,000.

2                   \* \* \*

3           (e) Disposition of fines, etc.--[Revenue] Except as  
4 otherwise provided under subsection (f), revenue from the  
5 collection of fines and bail forfeitures in the course of  
6 enforcement of this section shall be distributed in the  
7 following manner:

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

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

17           (f) Alternate disposition.--Two-thirds of any fine over \$300  
18 collected under subsection (d) (1) for an offense that occurred  
19 in a county that has established a litter board or any other  
20 authority, organization, department, bureau or board established  
21 by the county to administer solid waste management as designated  
22 by the county commissioners shall be transmitted to the litter  
23 board or the other authority, organization, department, bureau  
24 or board.

25           Section 4. Notwithstanding the amendment of 75 Pa.C.S. §§  
26 1317 and 1520, the Department of Transportation may continue to  
27 use existing materials that reference a fine of up to \$300 for a  
28 violation of 75 Pa.C.S. § 3709 until six months after the  
29 effective date of this section.

30           Section 5. This act shall take effect in six months.