
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1073 Session of
1985

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,
ACOSTA, LASHINGER AND BROUJOS, APRIL 24, 1985

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
JANUARY 27, 1986

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~~ LICENSING OF DRIVERS, for <—
4 the depositing of waste from vehicles upon highways, property
5 and waters, FOR THE NONEXCLUSION OF INSURANCE BENEFITS FOR <—
6 INSUREDS WHO ARE UNDER THE INFLUENCE AT THE TIME OF AN
7 ACCIDENT and for the disposition of certain fines and bail
8 forfeitures; AND FURTHER PROVIDING FOR SPEED TIMING DEVICES. <—

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

11 ~~Section 1. Title 75 of the Pennsylvania Consolidated~~ <—
12 ~~Statutes is amended by adding a section to read:~~
13 ~~§ 1317. Acknowledgment of littering provisions.~~
14 ~~On every application for registration of a motor vehicle, the~~
15 ~~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 and that I may be prosecuted for any violation of section 3709, and that I may be subject to a fine of up to \$300 upon conviction for any violation thereof, including any violation resulting from the conduct of any other persons operating, in possession of or present within this vehicle with my permission, if I do not with reasonable certainty identify the driver of the vehicle at the time the violation occurred.~~

~~Section 2. Title 75 is amended by adding a section SECTIONS 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 1. TITLE 75 OF THE PENNSYLVANIA CONSOLIDATED
STATUTES IS AMENDED BY ADDING SECTIONS TO READ:

§ 1317. ACKNOWLEDGMENT OF LITTERING PROVISIONS.

ON EVERY VEHICLE REGISTRATION CARD, THE FOLLOWING STATEMENT
SHALL BE PRINTED IMMEDIATELY ABOVE OR BELOW 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.

ALSO PRINTED ON THE REGISTRATION CARD SHALL BE THE FOLLOWING:

SECTION 3709 PROVIDES FOR A FINE OF UP TO \$300 FOR
DROPPING, THROWING OR 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

1 OR RUBBISH OR ANY DANGEROUS OR DETRIMENTAL SUBSTANCE, OR
2 PERMITTING ANY OF THE PRECEDING WITHOUT IMMEDIATELY
3 REMOVING SUCH ITEMS OR CAUSING THEIR REMOVAL.
4 FOR ANY VIOLATION OF SECTION 3709, I MAY BE SUBJECT TO A
5 FINE OF UP TO \$300 UPON CONVICTION, INCLUDING ANY
6 VIOLATION RESULTING FROM THE CONDUCT OF ANY OTHER PERSONS
7 OPERATING, IN POSSESSION OF OR PRESENT WITHIN THIS
8 VEHICLE WITH MY PERMISSION, IF I DO NOT WITH REASONABLE
9 CERTAINTY IDENTIFY THE DRIVER OF THE VEHICLE AT THE TIME
10 THE VIOLATION OCCURRED.

11 § 1520. ACKNOWLEDGMENT OF LITTERING PROVISIONS.

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

18 SECTION 3709 PROVIDES FOR A FINE OF UP TO \$300 FOR
19 DROPPING, THROWING OR DEPOSITING, UPON ANY HIGHWAY, OR
20 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 UPON CONVICTION, INCLUDING ANY
29 VIOLATION RESULTING FROM THE CONDUCT OF ANY OTHER PERSONS
30 PRESENT WITHIN ANY VEHICLE OF WHICH I AM THE DRIVER.

1 ~~Section 3. Section 1535(a) of Title 75 is amended to read:~~ <—
2 ~~§ 1535. Schedule of convictions and points.~~
3 ~~(a) General rule. A point system for driver education and~~
4 ~~control is hereby established which is related to other~~
5 ~~provisions for use, suspension and revocation of the operating~~
6 ~~privilege as specified under this title. Every driver licensed~~
7 ~~in this Commonwealth who is convicted of any of the following~~
8 ~~offenses shall be assessed points as of the date of violation in~~
9 ~~accordance with the following schedule:~~

10	Section Number	Offense	Points
11	1512	Violation of restriction on	
12		driver's license.	2
13	1571	Violations concerning licenses.	3
14	3102	Failure to obey policeman or	
15		authorized person.	2
16	3112(a)(3)(i)	Failure to stop for a red light.	3
17	3114(a)(1)	Failure to stop for a flashing	
18		red light.	3
19	3302	Failure to yield half of roadway	
20		to oncoming vehicle.	3
21	3303	Improper passing.	3
22	3304	Other improper passing.	3
23	3305	Other improper passing.	3
24	3306(a)(1)	Other improper passing.	4
25	3306(a)(2)	Other improper passing.	3
26	3306(a)(3)	Other improper passing.	3
27	3307	Other improper passing.	3
28	3310	Following too closely.	3

1	3321	Failure to yield to driver on the	
2		right at intersection.	3
3	3322	Failure to yield to oncoming	
4		driver when making left turn.	3
5	3323(b)	Failure to stop for stop signs.	3
6	3324	Failure to yield when entering or	
7		crossing roadway between inter-	
8		sections.	3
9	3332	Improper turning around.	3
10	3341	Failure to stop for flashing red	
11		lights or gate at railroad	
12		crossing.	3
13	3344	Failure to stop when entering from	
14		alley, driveway or building.	3
15	3345(a)	Failure to stop for school bus	
16		with flashing red lights.	5
17		(and 60 days suspension)	
18	3361	Driving too fast for conditions.	2
19	3362	Exceeding maximum speed. Over Limit:	
20		6-10	2
21		11-15	3
22		16-25	4
23		26-30	5
24		31-over	5
25		(and departmental hearing	
26		and sanctions provided	
27		under section 1538(d))	
28	3365(b)	Exceeding special speed limit	
29		in school zones.	3
30	3365(c)	Exceeding special speed limit	

1		for trucks on downgrades.	3
2	3542(a)	Failure to yield to pedestrians in	
3		crosswalk.	2
4	3547	Failure to yield to pedestrian on	
5		sidewalk.	3
6	3549(a)	Failure to yield to blind	
7		pedestrian.	3
8	3702	Improper backing.	3
9	3709(b)(2)(i)	Permitting littering from the	
10		vehicle.	2
11	3714	Reckless driving.	3
12	3745	Leaving scene of accident	
13		involving property damage only.	4

14 * * *

15 § 1724. CERTAIN NONEXCLUDABLE CONDITIONS.

<—

16 (A) GENERAL RULE.--INSURANCE BENEFITS MAY NOT BE DENIED
 17 SOLELY BECAUSE THE DRIVER OF THE INSURED MOTOR VEHICLE IS
 18 DETERMINED TO BE UNDER THE INFLUENCE OF DRUGS OR INTOXICATING
 19 BEVERAGES AT THE TIME OF THE ACCIDENT FOR WHICH BENEFITS ARE
 20 SOUGHT.

21 (B) CONTRACT EXCLUSIONS.--PROVISIONS OF AN INSURANCE POLICY
 22 WHICH EXCLUDE INSURANCE BENEFITS IF THE INSURED CAUSES A
 23 VEHICULAR ACCIDENT WHILE UNDER THE INFLUENCE OF DRUGS OR
 24 INTOXICATING BEVERAGES AT THE TIME OF THE ACCIDENT ARE VOID.

25 SECTION 3 2. SECTION 3368(C) AND (D) OF TITLE 75 ARE AMENDED
 26 TO READ:

<—

27 § 3368. SPEED TIMING DEVICES.

28 * * *

29 (C) MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES
 30 AUTHORIZED.--

1 (1) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, THE
2 RATE OF SPEED OF ANY VEHICLE MAY BE TIMED ON ANY HIGHWAY BY A
3 POLICE OFFICER USING A MECHANICAL OR ELECTRICAL SPEED TIMING
4 DEVICE.

5 (2) [ELECTRONIC] EXCEPT AS OTHERWISE PROVIDED IN
6 PARAGRAPH (3), ELECTRONIC DEVICES SUCH AS RADIO-MICROWAVE
7 DEVICES (COMMONLY REFERRED TO AS ELECTRONIC SPEED METERS OR
8 RADAR) MAY BE USED ONLY BY MEMBERS OF THE PENNSYLVANIA STATE
9 POLICE. [NO PERSON MAY BE CONVICTED UPON EVIDENCE OBTAINED
10 THROUGH THE USE OF SUCH DEVICES UNLESS THE SPEED RECORDED IS
11 SIX OR MORE MILES PER HOUR IN EXCESS OF THE LEGAL SPEED
12 LIMIT.]

13 (3) ELECTRONIC DEVICES WHICH CALCULATE SPEED BY
14 MEASURING ELAPSED TIME BETWEEN MEASURED ROAD SURFACE POINTS
15 BY USING ~~CENSORS~~ SENSORS WHICH ARE PHYSICALLY CONTACTED BY A <—
16 VEHICLE AND WHICH ARE PHYSICALLY CONNECTED TO A POLICE
17 VEHICLE, AND DEVICES WHICH MEASURE AND CALCULATE THE AVERAGE
18 SPEED OF A VEHICLE BETWEEN ANY TWO POINTS MAY BE USED BY ANY
19 POLICE OFFICER.

20 ~~(4) NO PERSON MAY BE CONVICTED UPON EVIDENCE OBTAINED~~ <—
21 ~~THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPHS (2) AND~~
22 ~~(3) UNLESS THE SPEED RECORDED IS SIX OR MORE MILES PER HOUR~~
23 ~~IN EXCESS OF THE LEGAL SPEED LIMIT.~~

24 (4) NO PERSON MAY BE CONVICTED UPON EVIDENCE OBTAINED <—
25 THROUGH THE USE OF DEVICES AUTHORIZED BY PARAGRAPHS (2) AND
26 (3) UNLESS THE SPEED RECORDED IS SIX OR MORE MILES PER HOUR
27 IN EXCESS OF THE LEGAL SPEED LIMIT. FURTHERMORE, NO PERSON
28 MAY BE CONVICTED UPON EVIDENCE OBTAINED THROUGH THE USE OF
29 DEVICES AUTHORIZED BY PARAGRAPH (3) IN AN AREA WHERE THE
30 LEGAL SPEED LIMIT IS LESS THAN 55 MILES PER HOUR IF THE SPEED

1 RECORDED IS LESS THAN TEN MILES PER HOUR IN EXCESS OF THE
2 LEGAL SPEED LIMIT, UNLESS THE TWO POINTS BETWEEN WHICH THE
3 AVERAGE SPEED OF A VEHICLE IS MEASURED AND CALCULATED ARE
4 SEPARATED BY A DISTANCE OF NOT LESS THAN 100 FEET. THIS
5 PARAGRAPH SHALL NOT APPLY TO EVIDENCE OBTAINED THROUGH THE
6 USE OF DEVICES AUTHORIZED BY PARAGRAPH (3) WITHIN A SCHOOL
7 ZONE.

8 (D) [APPROVAL] CLASSIFICATION, APPROVAL AND TESTING OF
9 MECHANICAL, ELECTRICAL AND ELECTRONIC DEVICES.--THE DEPARTMENT
10 MAY, BY REGULATION, CLASSIFY SPECIFIC DEVICES AS BEING
11 MECHANICAL, ELECTRICAL OR ELECTRONIC. ALL MECHANICAL, ELECTRICAL
12 OR ELECTRONIC DEVICES SHALL BE OF A TYPE APPROVED BY THE
13 DEPARTMENT, WHICH SHALL APPOINT STATIONS FOR CALIBRATING AND
14 TESTING THE DEVICES AND MAY PRESCRIBE REGULATIONS AS TO THE
15 MANNER IN WHICH CALIBRATIONS AND TESTS SHALL BE MADE. THE <—
16 CERTIFICATION AND CALIBRATION OF ELECTRONIC DEVICES UNDER
17 SUBSECTION (C)(3) SHALL ALSO INCLUDE THE CERTIFICATION AND
18 CALIBRATION OF ALL EQUIPMENT, TIMING STRIPS AND OTHER DEVICES
19 WHICH ARE ACTUALLY USED WITH THE PARTICULAR ELECTRONIC DEVICE
20 BEING CERTIFIED AND CALIBRATED. THE DEVICES SHALL HAVE BEEN
21 TESTED FOR ACCURACY WITHIN A PERIOD OF 60 DAYS PRIOR TO THE
22 ALLEGED VIOLATION. A CERTIFICATE FROM THE STATION SHOWING THAT
23 THE CALIBRATION AND TEST WERE MADE WITHIN THE REQUIRED PERIOD,
24 AND THAT THE DEVICE WAS ACCURATE, SHALL BE COMPETENT AND PRIMA
25 FACIE EVIDENCE OF THOSE FACTS IN EVERY PROCEEDING IN WHICH A
26 VIOLATION OF THIS TITLE IS CHARGED.

27 * * *

28 Section ~~4-3-4~~ 3. Section 3709(a), (b) and (d) of Title 75 <—
29 are amended and the section is amended by adding a subsection to
30 read:

1 § 3709. Depositing waste and other material on highway,
2 property or waters.

3 (a) General rule.--No person shall throw or deposit upon any
4 highway, or upon any other public or private property without
5 the consent of the owner thereof or into or on the waters of
6 this Commonwealth from a vehicle, any waste paper, sweepings,
7 ashes, household waste, glass, metal, refuse or rubbish, or any
8 dangerous or detrimental substance.

9 (b) 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 * * *

30 (d) Penalty.--Any person violating any of the provisions of

1 subsection (a) or (b) is guilty of a summary offense and shall,
2 upon conviction, be sentenced [to pay a fine of not more than
3 \$300.] to either or both of the following:

4 (1) To pay a fine of not more than \$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 ~~5-4-5~~ 4. The provisions of this act are severable. <—
5 If any provision of this act or its application to any person or
6 circumstance is held invalid, the invalidity shall not affect
7 other provisions or applications of this act which can be given
8 effect without the invalid provision or application.

9 ~~Section 6-5. This act shall take effect on July 1 next~~ <—

10 SECTION ~~6~~ 5. (A) SECTION ~~3~~ 2 OF THIS ACT, AMENDING SECTION <—
11 ~~3368(C) AND (D)~~, SHALL TAKE EFFECT IMMEDIATELY. <—

12 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT ON JULY 1
13 NEXT following 60 days from the date of final enactment.