

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2878 Session of
1990

INTRODUCED BY HASAY, GEORGE, JAROLIN, MORRIS, VROON, ARGALL,
B. D. CLARK, DIETTERICK, S. H. SMITH, KASUNIC, FAIRCHILD,
JOHNSON, DEMPSEY, CAWLEY, NAHILL, GIGLIOTTI, FLICK, NOYE,
E. Z. TAYLOR, BUSH, PETRONE, GEIST, GODSHALL, LASHINGER,
PESCI, TIGUE, HERMAN, MARSICO AND MELIO, SEPTEMBER 25, 1990

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 25, 1990

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, increasing the penalty for scattering
3 rubbish; and making a repeal.

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

6 Section 1. Section 6501(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes, amended May 31, 1990 (P.L.219, No.47), is
8 amended to read:

9 § 6501. Scattering rubbish.

10 * * *

11 (b) Penalty.--

12 (1) A person who violates subsection (a)(1) or (2) is
13 guilty of a summary offense for the first offense and upon
14 conviction thereof shall be sentenced to pay a fine of not
15 less than \$50 nor more than \$300 or to imprisonment for not
16 more than 90 days, or both.

17 (2) A person who violates subsection (a)(1) or (2) is

1 guilty of a misdemeanor of the third degree for the second
2 and subsequent offense and upon conviction thereof shall be
3 sentenced to pay a fine of not less than \$300 nor more than
4 \$1,000. The person also may be sentenced to imprisonment or
5 to performing a community service for a period not to exceed
6 one year.

7 (3) A person who violates subsection (a)(3) is guilty of
8 a misdemeanor of the second degree for the first offense and
9 upon conviction thereof shall be sentenced to pay a fine of
10 not less than \$500 nor more than \$5,000. The person also may
11 be sentenced to imprisonment or to performing a community
12 service for a period not to exceed two years.

13 (4) A person who violates subsection (a)(3) is guilty of
14 a misdemeanor of the first degree for the second or
15 subsequent offense and upon conviction thereof shall be
16 sentenced to pay a fine of not less than \$1,000 nor more than
17 \$10,000. The person also may be sentenced to imprisonment or
18 to performing a community service for a period not to exceed
19 five years.

20 (5) Any vehicle, equipment, or conveyance, including any
21 private automobile and small truck, used for the
22 transportation or disposal of trash, garbage or debris in the
23 commission of a second or subsequent offense under subsection
24 (a)(3) may be deemed contraband and forfeited in accordance
25 with the provisions set forth in this section.

26 (6) (i) In addition to the penalties provided for in
27 this subsection, the court may order the suspension of
28 the violator's motor vehicle operating privilege for 30
29 days.

30 (ii) Additionally, a violator shall be assigned one

1 point by the Department of Transportation, as described
2 in 75 Pa.C.S. § 1535 (relating to schedule of convictions
3 and points).

4 (7) The community service referred to in this subsection
5 shall include, but not be limited to, the collection of
6 rubbish along streets and highways. The minimum period for
7 this service shall be for three hours per day for 30 days. A
8 term of community service may be imposed only if the
9 penalties provided for in paragraph (6) are not imposed. If
10 the penalties in paragraph (6) are imposed, community service
11 shall not be imposed.

12 * * *

13 Section 2. (a) 75 Pa.C.S. § 3709 (relating to depositing
14 waste and other material on highway, property or waters), is
15 repealed.

16 (b) It is the intent of the General Assembly that any
17 prosecution which would have been brought under the former
18 provisions of 75 Pa.C.S. § 3709 now be brought under 18 Pa.C.S.
19 § 6501 (relating to scattering rubbish).

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