

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1253 Session of
1995

INTRODUCED BY SALVATORE, HART AND MUSTO, OCTOBER 17, 1995

REFERRED TO TRANSPORTATION, OCTOBER 17, 1995

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for removal of deposited material from
3 highways.

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

6 Section 1. Section 3709(b) and (d) of Title 75 of the
7 Pennsylvania Consolidated Statutes are amended to read:

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

10 * * *

11 (b) Removal of deposited material.--

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

1 (2) In the event the deposited material is not removed
2 as required by paragraph (1) within 24 hours, the issuing
3 authority may impound any vehicle used in the violation of
4 this section and order a police officer or constable to seize
5 it. Upon impoundment, the issuing authority shall notify the
6 sheriff of the county in which the violation occurred, who
7 shall store the impounded vehicle. The sheriff shall give
8 immediate notice by the most expeditious means and by
9 certified mail, return receipt requested, of the impoundment
10 and location of the vehicle to the owner of the vehicle.

11 (i) The cost to remove the deposited material, the
12 police officer's, constable's and sheriff's costs,
13 reasonable storage costs and all other reasonable costs
14 incident to the seizure and impounding shall be
15 recoverable in addition to costs of prosecution.

16 (ii) In case any impounded vehicle is unredeemed, or
17 the load is unclaimed, for a period of 60 days after the
18 notice of impoundment is given, it shall be sold at a
19 public sale in accordance with the provisions of section
20 6310 (relating to disposition of impounded vehicles and
21 loads).

22 [(2)] (3) For the purposes of this subsection, a "person
23 who permits to be dropped or thrown" from a vehicle any of
24 the items described in paragraph (1) shall include the driver
25 of the vehicle and the registrant of any vehicle registered
26 in this Commonwealth from which any of the items are dropped
27 or thrown, either by the registrant or any person operating,
28 in possession of or present within the vehicle with the
29 permission of the registrant, regardless of the registrant's
30 intent or lack of knowledge with respect to the disposal of

1 such items in violation of this section where the registrant
2 of the vehicle does not, with reasonable certainty, identify
3 the driver of the vehicle at the time the violation occurred.

4 * * *

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

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

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

27 (3) Restitution of the cost to remove the deposited
28 material.

29 * * *

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