

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 335 Session of
2003

INTRODUCED BY STACK, KUKOVICH, KASUNIC, TARTAGLIONE, HELFRICK,
SCHWARTZ, MUSTO, LOGAN, STOUT, ERICKSON, KITCHEN, RHOADES,
O'PAKE, COSTA, RAFFERTY, BOSCOLA, C. WILLIAMS AND WOZNIAK,
FEBRUARY 18, 2003

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 18, 2003

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, providing for depositing of rubbish on State and
3 municipal parks and State forests.

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

6 Section 1. Title 75 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3709.1. Depositing rubbish on State and municipal parks and
9 State forests.

10 (a) General rule.--No person:

11 (1) Shall cause any waste paper, sweepings, ashes,
12 household waste, glass, metal, refuse, rubbish or any
13 dangerous or detrimental substance to be deposited upon the
14 land of a State or municipal park or State forest.

15 (2) Who is the owner, operator or agent of a trash,
16 garbage or debris collection vehicle, including private
17 automobiles and small trucks or any type of vehicle used to

1 collect or transport trash, garbage or debris, shall
2 knowingly deposit or cause to be deposited the vehicle's load
3 or any part thereof upon the land of a State or municipal
4 park or State forest.

5 (b) Penalties.--

6 (1) A person who violates subsection (a)(1) commits a
7 misdemeanor of the third degree and upon conviction shall be
8 sentenced to pay a fine of not less than \$300 nor more than
9 \$1,000. The person may also be sentenced to imprisonment not
10 to exceed one year or to perform community service by
11 removing trash from public property for a period not to
12 exceed one year.

13 (2) A second or subsequent violation of subsection
14 (a)(1) is a misdemeanor of the second degree. Upon conviction
15 the violator shall be sentenced to pay a fine of not less
16 than \$500 nor more than \$5,000. The violator may also be
17 sentenced to imprisonment not to exceed two years or to
18 perform community service by removing trash from public
19 property for a period not to exceed two years. The department
20 shall suspend the operating privilege of the violator for 30
21 days upon receiving a certified record of the driver's
22 conviction of a second or subsequent violation of subsection
23 (a)(1).

24 (3) A person who violates subsection (a)(2) commits a
25 misdemeanor of the first degree for the first offense and
26 upon conviction shall be sentenced to pay a fine of not less
27 than \$1,000 nor more than \$10,000. The person may also be
28 sentenced to imprisonment or to perform community service by
29 removing trash from public property for a period not to
30 exceed five years.

1 (4) A second or subsequent violation of subsection
2 (a)(2) is a felony of the third degree. Upon conviction the
3 violation shall pay a fine of not less than \$1,500 nor more
4 than \$15,000. The violator may also be sentenced to
5 imprisonment or to perform community service by removing
6 trash from public property for a period not to exceed seven
7 years. The department shall suspend the operating privilege
8 of the violator for 30 days upon receiving a certified record
9 of the driver's conviction of a second or subsequent
10 violation of subsection (a)(1).

11 (5) A vehicle, equipment or conveyance, including a
12 private automobile or small truck, used for the
13 transportation or disposal of trash, garbage or debris in the
14 commission of a second or subsequent offense under subsection
15 (a)(2) may be deemed contraband and forfeited under 18
16 Pa.C.S. § 6501 (relating to scattering rubbish).

17 (c) Procedure.--The procedure for the forfeiture of property
18 under this section shall comply with the procedures contained in
19 18 Pa.C.S. § 6501.

20 (d) Costs of disposing of waste in vehicles, equipment and
21 conveyances.--The operator, owner or agent of a vehicle,
22 equipment or conveyance, including private automobiles and small
23 trucks, forfeited under this section shall be responsible for
24 any costs incurred in properly disposing of waste in the
25 vehicle, equipment or conveyance.

26 (e) Lawful deposits of waste.--Subsection (a)(2) does not
27 apply to the lawful depositing of waste at a site regulated by
28 the Department of Environmental Protection.

29 (f) Signs.--The Department of Conservation and Natural
30 Resources shall post signs indicating the fines and penalties

1 for violations of this section within 100 yards of every
2 entrance to a State park and to a recreation area within a State
3 forest. A municipality shall post a sign indicating penalties
4 for violations of this section within 100 yards of an entrance
5 to a municipal park.

6 (g) Other rights and remedies of the Commonwealth.--The
7 procedures specified in this section shall not in any way limit
8 the right of the Commonwealth to exercise other rights or
9 remedies.

10 (h) Definition.--As used in this section, the term
11 "municipal park" means a public park established by a
12 municipality for public recreation.

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