

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1209 Session of  
2009

INTRODUCED BY SIPTROTH, SCAVELLO, BRENNAN, D. COSTA, CREIGHTON,  
DONATUCCI, EVERETT, GEIST, GEORGE, GINGRICH, GOODMAN,  
GRUCELA, HALUSKA, HARKINS, KESSLER, KORTZ, MANN, MELIO,  
MILNE, MUNDY, MURT, M. O'BRIEN, O'NEILL, PEIFER, K. SMITH,  
STABACK, WATSON, YOUNGBLOOD AND YUDICHAK, APRIL 3, 2009

REFERRED TO COMMITTEE ON TRANSPORTATION, APRIL 3, 2009

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of  
2 the Pennsylvania Consolidated Statutes, further providing for  
3 the offense of scattering rubbish, for the acknowledgment of  
4 littering provisions at time of application for learner's  
5 permit or driver's license and for the offense of depositing  
6 of waste and other material on highway, property or waters.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

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

12 § 6501. Scattering rubbish.

13 \* \* \*

14 (b) Penalty.--

15 (1) A person who violates subsection (a)(1) or (2) is  
16 guilty of a summary offense for the first offense and upon  
17 conviction thereof shall be sentenced to pay a fine of not  
18 less than \$50 nor more than [\$300] \$1,000 or to imprisonment

1 for not more than 90 days, or both, as provided in paragraph  
2 (6).

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

10 \* \* \*

11 (6) Fines are to be imposed according to the following  
12 schedule:

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

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

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

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

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

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

1           fine shall be not less than \$1,000 nor more than \$2,000.

2           (7) Two-thirds of any fine over \$300 collected under  
3           paragraph (1) or (2) for an offense that occurred in a county  
4           that has established a litter board or any other authority,  
5           organization, department, bureau or board established by the  
6           county to administer solid waste management as designated by  
7           the county commissioners shall be transmitted to the litter  
8           board or the other authority, organization, department,  
9           bureau or board.

10          \* \* \*

11          Section 2. Section 1520 of Title 75 is amended to read:

12          § 1520. Acknowledgment of littering provisions.

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

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

18          Also printed on the card shall be the following:

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

28                 For any violation of section 3709, I may be subject to a  
29                 fine of up to [\$300] \$1,000 upon conviction, including  
30                 any violation resulting from the conduct of any other

persons present within any vehicle of which I am the driver.

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

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

\* \* \*

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

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

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

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

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

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

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

(C) For littering of more than 100 pounds or 25 cubic feet or more for the first offense, a fine of

1           \$1,000.

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

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

7           (F) For littering of more than 100 pounds or 25  
8           cubic feet for the second and subsequent offense, a  
9           fine of \$2,000.

10           \* \* \*

11           (e) Disposition of fines, etc.--[Revenue] Except as  
12           otherwise provided under subsection (f), revenue from the  
13           collection of fines and bail forfeitures in the course of  
14           enforcement of this section shall be distributed in the  
15           following manner:

16               (1) One-half shall be distributed to the agency or local  
17               government unit which brought the action to enforce this  
18               section and may be used to defray the expenses of enforcing  
19               this section, at the option of the agency or local government  
20               unit.

21               (2) One-half shall be allocated to the department for  
22               Statewide public education and awareness programs to promote  
23               litter control and recycling and awareness of the provisions  
24               of this section.

25           (f) Alternate disposition.--Two-thirds of any fine over \$300  
26           collected under subsection (d) (1) for an offense that occurred  
27           in a county that has established a litter board or any other  
28           authority, organization, department, bureau or board established  
29           by the county to administer solid waste management as designated  
30           by the county commissioners shall be transmitted to the litter

1 board or the other authority, organization, department, bureau  
2 or board.

3       Section 4.   This act shall take effect in 60 days.