

AN ACT

1 Amending the act of December 1, 2004 (P.L.1766, No.227),
2 entitled "An act authorizing cities of the first class that
3 have adopted a home rule charter to enforce ordinances, rules
4 and regulations prohibiting dumping or disposal of waste,
5 trash or debris," further providing for enforcement of trash
6 laws.

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

9 Section 1. Section 1 of the act of December 1, 2004
10 (P.L.1766, No.227), entitled "An act authorizing cities of the
11 first class that have adopted a home rule charter to enforce
12 ordinances, rules and regulations prohibiting dumping or
13 disposal of waste, trash or debris," is amended to read:

14 Section 1. Enforcement of trash laws.

15 (a) General rule.--Notwithstanding any contrary provision of
16 law set forth in the act of April 21, 1949 (P.L.665, No.155),
17 known as the First Class City Home Rule Act, a city of the first
18 class that has adopted a home rule charter pursuant to that act
19 may enforce ordinances, rules and regulations relating to:

1 (1) short dumping by the imposition of a fine or penalty
2 of not more than \$5,000 and by the forfeiture of any
3 property, including any vehicle, used to violate that act,
4 regardless of the value of the property[.]; and

5 (2) disposal of waste tires by the imposition of a fine
6 or penalty of \$5,000 per tire.

7 (b) Suspension of operating privileges.--A city of the first
8 class that imposes a fine or penalty against a person under
9 subsection (a) (1) shall notify the Department of Transportation.

10 On receipt of such notification, the Department of
11 Transportation shall suspend the operating privileges of the
12 person granted under 75 Pa.C.S. (relating to vehicles) for a
13 period of six months.

14 [(c) Definitions.--As used in this section, "short dumping"
15 means activity by which an owner or operator, or an agent of
16 either, of a trash, garbage or debris collection vehicle,
17 including private automobiles and small trucks, or any other
18 type of vehicles used to collect or transport trash, garbage or
19 debris knowingly causes to be deposited or deposits the
20 vehicle's load or any part thereof on any road, street, highway,
21 alley or railroad right-of-way or on the land of another or into
22 the waters of this Commonwealth.]

23 (b.1) Documentation and recordkeeping.--A city of the first
24 class may require documentation and recordkeeping by business
25 entities that provide whole used or waste tires to a waste tire
26 hauler or that accepts whole used or waste tires from a waste
27 tire hauler to ensure proper disposal of waste tires. The
28 documentation and recordkeeping shall be retained for a minimum
29 of five years. The following apply:

30 (1) The documentation and recordkeeping shall include

1 the number of waste tires received in exchange for tires
2 sold.

3 (2) If the person is using a waste tire hauler, the
4 documentation and recordkeeping requirements shall be the
5 same as the requirements under section 106.2 of the act of
6 December 19, 1996 (P.L.1478, No.190), entitled "An act
7 relating to the recycling and reuse of waste tires; providing
8 for the proper disposal of waste tires and the cleanup of
9 stockpiled tires; authorizing investment tax credits for
10 utilizing waste tires; providing remediation grants for the
11 cleanup of tire piles and for pollution prevention programs
12 for small business and households; establishing the Small
13 Business and Household Pollution Prevention Program and
14 management standards for small business hazardous waste;
15 providing for a household hazardous waste program and for
16 grant programs; making appropriations; and making repeals."

17 (3) If the person or business transports waste tires for
18 disposal without the use of a waste tire hauler, the
19 documentation and recordkeeping shall include the number of
20 waste tires transported and the location where the waste
21 tires were transported and disposed.

22 (b.2) Waste tire enforcement.--A city of the first class
23 that imposes a fine or penalty under subsection (a)(2) shall
24 utilize the money collected to:

25 (1) encourage recycling;

26 (2) expand waste tire disposal programs within a city of
27 the first class in accordance with the act of December 19,
28 1996 (P.L.1478, No.190); and

29 (3) enforce compliance with this act.

30 (c) Definitions.--As used in this section, the following

1 words and phrases shall have the meanings given to them in this
2 subsection unless the context clearly indicates otherwise:

3 "Disposal." The dumping, spilling or placing of whole used
4 or waste tires into or on the land or water in a manner that the
5 tires or a constituent of the tires enters the environment.

6 "Short dumping." Activity by which an owner or operator, or
7 an agent thereof, of a trash, garbage or debris collection
8 vehicle, including private automobiles and small trucks or any
9 other type of vehicle used to collect or transport trash,
10 garbage or debris, knowingly causes to be deposited or deposits
11 the vehicle's load or any part thereof on any road, street,
12 highway, alley or railroad right-of-way, on the land of another
13 or into the waters of this Commonwealth.

14 "Waste tire." A tire that is no longer used for the purpose
15 for which it was originally intended. The term includes a tire
16 that has been discarded by an owner or user though the tire may
17 have some remaining useful life. A tire becomes a waste tire
18 when it is discarded by an owner or user.

19 Section 2. This act shall take effect in 120 days.