

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1319 Session of 2007

INTRODUCED BY SIPTROTH, SCAVELLO, GEORGE, STABACK, BELFANTI,
BRENNAN, CARROLL, DALEY, DeLUCA, EVERETT, GEIST, GRUCELA,
HARHAI, KIRKLAND, KORTZ, MAHONEY, MANN, MILNE, MURT, MYERS,
M. O'BRIEN, O'NEILL, PALLONE, PASHINSKI, PEIFER, PHILLIPS,
READSHAW, RUBLEY, SAINATO, SANTONI, SEIP, K. SMITH, STEIL,
WALKO, WATSON, WOJNAROSKI, YOUNGBLOOD, YUDICHAK, MUNDY,
SCHRODER, PETRONE, GILLESPIE AND FABRIZIO, MAY 18, 2007

AS REPORTED FROM COMMITTEE ON ENVIRONMENTAL RESOURCES AND
ENERGY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 27, 2008

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 a paragraph 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

1 less than [~~\$50~~] ~~\$750~~ \$50 nor more than [\$300] \$1,000 or to <—
2 imprisonment for not more than 90 days, or both, AS PROVIDED <—
3 IN PARAGRAPH (6).

4 (2) A person who violates subsection (a)(1) or (2) is
5 guilty of a misdemeanor of the third degree for the second
6 and subsequent offense and upon conviction thereof shall be
7 sentenced to pay a fine of not less than [\$300] ~~\$1,000~~ \$100 <—
8 nor more than [\$1,000] ~~\$1,700~~ \$2,000, AS PROVIDED IN <—
9 PARAGRAPH (6). The person also may be sentenced to
10 imprisonment or to performing a community service for a
11 period not to exceed one year.

12 * * *

13 ~~(6) Seven hundred dollars of any fine collected under~~ <—
14 ~~paragraph (1) or (2) for an offense that occurred in a county~~
15 ~~that has established a litter board or authority shall be~~
16 ~~transmitted to the litter board or authority of the county.~~

17 (6) FINES ARE TO BE IMPOSED ACCORDING TO THE FOLLOWING <—
18 SCHEDULE:

19 (I) FOR LITTERING OF FIVE POUNDS OR LESS FOR THE
20 FIRST OFFENSE, THE FINE SHALL BE NOT LESS THAN \$50 NOR
21 MORE THAN \$300.

22 (II) FOR LITTERING OF MORE THAN FIVE POUNDS BUT LESS
23 THAN 100 POUNDS OR 25 CUBIC FEET FOR THE FIRST OFFENSE,
24 THE FINE SHALL BE NOT LESS THAN \$300 NOR MORE THAN \$500.

25 (III) FOR LITTERING OF MORE THAN 100 POUNDS OR 25
26 CUBIC FEET OR MORE FOR THE FIRST OFFENSE, THE FINE SHALL
27 BE NOT LESS THAN \$500 NOR MORE THAN \$1,000.

28 (IV) FOR LITTERING OF LESS THAN FIVE POUNDS FOR THE
29 SECOND AND SUBSEQUENT OFFENSE, THE FINE SHALL BE NOT LESS
30 THAN \$100 NOR MORE THAN \$500.

1 (V) FOR LITTERING OF MORE THAN FIVE POUNDS BUT LESS
2 THAN 100 POUNDS OR 25 CUBIC FEET FOR THE SECOND AND
3 SUBSEQUENT OFFENSE, THE FINE SHALL BE NOT LESS THAN \$500
4 NOR MORE THAN \$1,000.

5 (VI) FOR LITTERING OF MORE THAN 100 POUNDS OR 25
6 CUBIC FEET FOR THE SECOND AND SUBSEQUENT OFFENSE, THE
7 FINE SHALL BE NOT LESS THAN \$1,000 NOR MORE THAN \$2,000.

8 (7) TWO THIRDS OF ANY FINE OVER \$300 COLLECTED UNDER
9 PARAGRAPH (1) OR (2) FOR AN OFFENSE THAT OCCURRED IN A COUNTY
10 THAT HAS ESTABLISHED A LITTER BOARD OR ANY OTHER AUTHORITY,
11 ORGANIZATION, DEPARTMENT, BUREAU OR BOARD ESTABLISHED BY THE
12 COUNTY TO ADMINISTER SOLID WASTE MANAGEMENT AS DESIGNATED BY
13 THE COUNTY COMMISSIONERS SHALL BE TRANSMITTED TO THE LITTER
14 BOARD OR THE OTHER AUTHORITY, ORGANIZATION, DEPARTMENT,
15 BUREAU OR BOARD.

16 * * *

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

18 § 1520. Acknowledgment of littering provisions.

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

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

24 Also printed on the card shall be the following:

25 Section 3709 provides for a fine of up to [\$300] ~~\$1,000~~ <—
26 \$2,000 for dropping, throwing or depositing, upon any <—
27 highway, or upon any other public or private property
28 without the consent of the owner thereof or into or on
29 the waters of this Commonwealth from a vehicle, any waste
30 paper, sweepings, ashes, household waste, glass, metal,

1 refuse or rubbish or any dangerous or detrimental
2 substance, or permitting any of the preceding without
3 immediately removing such items or causing their removal.
4 For any violation of section 3709, I may be subject to a
5 fine of up to [\$300] \$1,000 upon conviction, including
6 any violation resulting from the conduct of any other
7 persons present within any vehicle of which I am the
8 driver.

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

12 § 3709. Depositing waste and other material on highway,
13 property or waters.

14 * * *

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

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

19 (i) [\$900] \$1,600 for a violation which occurs in an
20 easement purchased under the program established by
21 section 14.1 of the act of June 30, 1981 (P.L.128,
22 No.43), known as the Agricultural Area Security Law, A
23 FINE OF NOT LESS THAN \$900 NOR MORE THAN \$1,500;

24 (ii) [\$600] \$1,300 for a violation which occurs in
25 an agricultural security area as defined in section 3 of
26 the Agricultural Area Security Law, A FINE OF NOT LESS
27 THAN \$600 NOR MORE THAN \$1,200; or

28 (iii) [\$300] \$1,000 for a violation which occurs
29 anywhere else[.]:

30 (A) FOR LITTERING OF FIVE POUNDS OR LESS FOR THE

1 FIRST OFFENSE, A FINE OF \$100.

2 (B) FOR LITTERING OF MORE THAN FIVE POUNDS BUT
3 LESS THAN 100 POUNDS OR 25 CUBIC FEET FOR THE FIRST
4 OFFENSE, A FINE OF \$500.

5 (C) FOR LITTERING OF MORE THAN 100 POUNDS OR 25
6 CUBIC FEET OR MORE FOR THE FIRST OFFENSE, A FINE OF
7 \$1,000.

8 (D) FOR LITTERING OF LESS THAN FIVE POUNDS FOR
9 THE SECOND AND SUBSEQUENT OFFENSE, A FINE OF \$500.

10 (E) FOR LITTERING OF MORE THAN FIVE POUNDS BUT
11 LESS THAN 100 POUNDS OR 25 CUBIC FEET FOR THE SECOND
12 AND SUBSEQUENT OFFENSE, A FINE OF \$1,000.

13 (F) FOR LITTERING OF MORE THAN 100 POUNDS OR 25
14 CUBIC FEET FOR THE SECOND AND SUBSEQUENT OFFENSE, A
15 FINE OF \$2,000.

16 * * *

17 (e) Disposition of fines, etc.--[Revenue] Except as
18 otherwise provided under subsection (f), revenue from the
19 collection of fines and bail forfeitures in the course of
20 enforcement of this section shall be distributed in the
21 following manner:

22 (1) One-half shall be distributed to the agency or local
23 government unit which brought the action to enforce this
24 section and may be used to defray the expenses of enforcing
25 this section, at the option of the agency or local government
26 unit.

27 (2) One-half shall be allocated to the department for
28 Statewide public education and awareness programs to promote
29 litter control and recycling and awareness of the provisions
30 of this section.

1 ~~(f) Alternate disposition. Seven hundred dollars of any~~ <—
2 ~~fine collected under subsection (d)(1) for an offense that~~
3 ~~occurred in a county that has established a litter board or~~
4 ~~authority shall be transmitted to the litter board or authority~~
5 ~~of the county.~~

6 (F) ALTERNATE DISPOSITION.--TWO-THIRDS OF ANY FINE OVER \$300 <—
7 COLLECTED UNDER SUBSECTION (D)(1) FOR AN OFFENSE THAT OCCURRED
8 IN A COUNTY THAT HAS ESTABLISHED A LITTER BOARD OR ANY OTHER
9 AUTHORITY, ORGANIZATION, DEPARTMENT, BUREAU OR BOARD ESTABLISHED
10 BY THE COUNTY TO ADMINISTER SOLID WASTE MANAGEMENT AS DESIGNATED
11 BY THE COUNTY COMMISSIONERS SHALL BE TRANSMITTED TO THE LITTER
12 BOARD OR THE OTHER AUTHORITY, ORGANIZATION, DEPARTMENT, BUREAU
13 OR BOARD.

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