

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 973 Session of 2015

INTRODUCED BY SCAVELLO, ALLOWAY, HAYWOOD, SCHWANK, HUGHES AND YUDICHAK, OCTOBER 22, 2015

AS AMENDED ON THIRD CONSIDERATION, APRIL 4, 2016

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 75 (Vehicles) of
2 the Pennsylvania Consolidated Statutes, in nuisances, further
3 providing for the offense of scattering rubbish; in
4 registration of vehicles and in licensing of drivers, further
5 providing for the acknowledgment of littering provisions;
6 and, in miscellaneous provisions, further providing for the
7 offense of depositing of waste and other material on highway,
8 property or waters.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

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

14 § 6501. Scattering rubbish.

15 * * *

16 (b) Penalty.--

17 (1) A person who violates subsection (a)(1) or (2) is
18 guilty of a summary offense for the first offense and upon
19 conviction thereof shall be sentenced to pay a fine of not
20 less than \$50 nor more than [\$300] \$1,000 or to imprisonment
21 for not more than 90 days, or both, as provided in paragraph

1 (6).

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

9 * * *

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

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

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

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

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

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

28 (vi) For littering of more than 100 pounds or 25
29 cubic feet for the second and subsequent offense, the
30 fine shall be not less than \$1,000 nor more than \$2,000.

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

9 * * *

10 Section 2. Sections 1317 and 1520 of Title 75 are amended to
11 read:

12 § 1317. Acknowledgment of littering provisions.

13 On every vehicle registration card, the following statement
14 shall be printed immediately above or below the signature of the
15 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 registration 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] \$2,000 upon conviction, including
30 any violation resulting from the conduct of any other

1 persons operating, in possession of or present within
2 this vehicle with my permission, if I do not with
3 reasonable certainty identify the driver of the vehicle
4 at the time the violation occurred.

5 § 1520. Acknowledgment of littering provisions.

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

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

11 Also printed on the card shall be the following:

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

21 For any violation of section 3709, I may be subject to a
22 fine of up to [\$300] \$2,000 upon conviction, including
23 any violation resulting from the conduct of any other
24 persons present within any vehicle of which I am the
25 driver.

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

29 § 3709. Depositing waste and other material on highway,
30 property or waters.

1 * * *

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

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

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

11 (ii) [\$600] for a violation which occurs in an
12 agricultural security area as defined in section 3 of the
13 Agricultural Area Security Law, a fine of not less than
14 \$600 nor more than \$1,200; or

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

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

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

22 (C) For littering of more than 100 pounds or 25
23 cubic feet or more for the first offense, a fine of
24 \$1,000.

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

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

30 (F) For littering of more than 100 pounds or 25

1 cubic feet for the second and subsequent offense, a
2 fine of \$2,000.

3 * * *

4 (e) Disposition of fines, etc.--[Revenue] Except as
5 otherwise provided under subsection (f), revenue from the
6 collection of fines and bail forfeitures in the course of
7 enforcement of this section shall be distributed in the
8 following manner:

9 (1) One-half shall be distributed to the agency or local
10 government unit which brought the action to enforce this
11 section and may be used to defray the expenses of enforcing
12 this section, at the option of the agency or local government
13 unit.

14 (2) One-half shall be allocated to the department for
15 Statewide public education and awareness programs to promote
16 litter control and recycling and awareness of the provisions
17 of this section.

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

26 SECTION 4. NOTWITHSTANDING THE AMENDMENT OF 75 PA.C.S. §§ <--
27 1317 AND 1520, THE DEPARTMENT OF TRANSPORTATION MAY CONTINUE TO
28 USE EXISTING MATERIALS THAT REFERENCE A FINE OF UP TO \$300 FOR A
29 VIOLATION OF 75 PA.C.S. § 3709 UNTIL SIX MONTHS AFTER THE
30 EFFECTIVE DATE OF THIS ACT.

1 Section 4 5. This act shall take effect in six months.

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