

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 431 Session of 2017

INTRODUCED BY SCAVELLO, RESCHENTHALER, SCHWANK, YUDICHAK, HAYWOOD, WHITE AND BREWSTER, FEBRUARY 27, 2017

SENATOR RAFFERTY, TRANSPORTATION, AS AMENDED, MAY 10, 2017

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] \$1,000 AND <--
21 BE REQUIRED TO PICK UP LITTER OR ILLEGALLY DUMPED TRASH FOR

1 NOT LESS THAN FIVE NOR MORE THAN 40 HOURS TO BE COMPLETED
2 WITHIN SIX MONTHS, OR imprisonment for not more than 90 days,
3 or both, as provided 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]~~ \$100 nor more
8 than ~~[\$1,000]~~ \$2,000, as provided in paragraph (6). The
9 person also may be sentenced to imprisonment or ~~[to~~ <--
10 performing a community service for a period not to exceed one
11 year] BE REQUIRED TO PICK UP LITTER OR ILLEGALLY DUMPED TRASH <--
12 FOR NOT LESS THAN 40, NOR MORE THAN 100 HOURS TO BE COMPLETED
13 WITHIN ONE YEAR.

14 * * *

15 (6) Fines shall be imposed as follows:

16 (i) For littering of five pounds or less ~~for the~~ <--
17 ~~first offense~~ OR NINE CUBIC FEET OR LESS FOR THE FIRST <--
18 OFFENSE, WHERE THE ACTIVITY GENERATING THE LITTER OR
19 SOLID WASTE IS NOT FOR COMMERCIAL PURPOSES, the fine
20 shall be not less than \$50 nor more than \$300.

21 (ii) For littering of more than five pounds but less
22 than 100 pounds or 25 cubic feet for the first offense,
23 WHERE THE ACTIVITY GENERATING THE LITTER OR SOLID WASTE <--
24 IS NOT FOR COMMERCIAL PURPOSES, the fine shall be not
25 less than \$300 nor more than \$500.

26 (iii) For littering of more than 100 pounds or 25
27 cubic feet or more for the first offense, WHERE THE <--
28 ACTIVITY GENERATING THE LITTER OR SOLID WASTE IS NOT FOR
29 COMMERCIAL PURPOSES, the fine shall be not less than \$500
30 nor more than \$1,000.

1 (iv) For littering of less than five pounds for the
2 second and subsequent offense, WHERE THE ACTIVITY <--
3 GENERATING THE LITTER OR SOLID WASTE IS NOT FOR
4 COMMERCIAL PURPOSES, the fine shall be not less than \$100
5 nor more than \$500.

6 (v) For littering of more than five pounds but less
7 than 100 pounds or 25 cubic feet for the second and
8 subsequent offense, WHERE THE ACTIVITY GENERATING THE <--
9 LITTER OR SOLID WASTE IS NOT FOR COMMERCIAL PURPOSES, the
10 fine shall be not less than \$500 nor more than \$1,000.

11 (vi) For littering of more than 100 pounds or 25
12 cubic feet for the second and subsequent offense, OR IN <--
13 ANY AMOUNT OR VOLUME OF SOLID WASTE WHERE THE ACTIVITY
14 GENERATING THE LITTER OR SOLID WASTE WAS FOR COMMERCIAL
15 PURPOSES, OR IN ANY VOLUME OF HAZARDOUS WASTE, the fine
16 shall be not less than \$1,000 nor more than \$2,000.

17 ~~(7) Two thirds of any fine over \$300 collected under~~ <--
18 (7) (I) TWO-THIRDS OF ANY FINE OVER \$300 COLLECTED <--
19 UNDER paragraph (1) or (2) for an offense that occurred
20 in a county that has established a litter board or any
21 other authority, organization, department, bureau or
22 board established by the county OR WITH COUNTY SUPPORT to <--
23 administer solid waste management OR FACILITATE LITTER <--
24 ABATEMENT ACTIVITIES IN THE COUNTY as designated by the
25 county commissioners shall be transmitted to the litter
26 board or the other authority, organization, department,
27 bureau or board.

28 (II) THE COUNTY COMMISSIONERS SHALL DESIGNATE THE <--
29 RECIPIENT UNDER SUBPARAGRAPH (I) BY SUBMITTING WRITTEN
30 CORRESPONDENCE TO THE DEPARTMENT DETAILING THE

1 RECIPIENT'S NAME, MAILING ADDRESS AND DESCRIPTION OF
2 SERVICES PROVIDED IN SUPPORT OF SOLID WASTE MANAGEMENT
3 AND ANY LITTER ABATEMENT ACTIVITIES.

4 * * *

5 Section 2. Sections 1317 and 1520 of Title 75 are amended to
6 read:

7 § 1317. Acknowledgment of littering provisions.

8 On every vehicle registration card, the following statement
9 shall be printed immediately above or below the signature of the
10 applicant:

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

13 Also printed on the registration card shall be the following:

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

23 For any violation of section 3709, I may be subject to a
24 fine of up to [\$300] \$2,000 upon conviction, including
25 any violation resulting from the conduct of any other
26 persons operating, in possession of or present within
27 this vehicle with my permission, if I do not with
28 reasonable certainty identify the driver of the vehicle
29 at the time the violation occurred.

30 § 1520. Acknowledgment of littering provisions.

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

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

6 Also printed on the card shall be the following:

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

16 For any violation of section 3709, I may be subject to a
17 fine of up to [\$300] \$2,000 upon conviction, including
18 any violation resulting from the conduct of any other
19 persons present within any vehicle of which I am the
20 driver.

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

24 § 3709. Depositing waste and other material on highway,
25 property or waters.

26 * * *

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

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

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

6 (ii) [\$600] for a violation which occurs in an
7 agricultural security area as defined in section 3 of the
8 Agricultural Area Security Law, a fine of not less than
9 \$600 nor more than \$1,200; or

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

12 (A) For littering of five pounds or less OR LESS <--
13 THAN SIX CUBIC FEET for the first offense, WHERE THE <--
14 ACTIVITY GENERATING THE LITTER OR SOLID WASTE IS NOT
15 FOR COMMERCIAL PURPOSES, a fine of \$100.

16 (B) For littering of more than five pounds but
17 less than 100 pounds or 25 cubic feet for the first
18 offense, WHERE THE ACTIVITY GENERATING THE LITTER OR <--
19 SOLID WASTE IS NOT FOR COMMERCIAL PURPOSES, a fine of
20 \$500.

21 (C) For littering of more than 100 pounds or 25
22 cubic feet or more for the first offense, WHERE THE <--
23 ACTIVITY GENERATING THE LITTER OR SOLID WASTE IS NOT
24 FOR COMMERCIAL PURPOSES, a fine of \$1,000.

25 (D) For littering of less than five pounds for
26 the second and subsequent offense, WHERE THE ACTIVITY <--
27 GENERATING THE LITTER OR SOLID WASTE IS NOT FOR
28 COMMERCIAL PURPOSES, a fine of \$500.

29 (E) For littering of more than five pounds but
30 less than 100 pounds or 25 cubic feet for the second

1 and subsequent offense, WHERE THE ACTIVITY GENERATING <--
2 THE LITTER OR SOLID WASTE IS NOT FOR COMMERCIAL
3 PURPOSES, a fine of \$1,000.

4 (F) For littering of more than 100 pounds or 25
5 cubic feet for the second and subsequent offense, OR <--
6 IN ANY AMOUNT OR VOLUME OF SOLID WASTE WHERE THE
7 ACTIVITY GENERATING THE LITTER OR SOLID WASTE WAS FOR
8 COMMERCIAL PURPOSES, OR IN ANY VOLUME OF HAZARDOUS
9 WASTE, a 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 (F) ALTERNATE DISPOSITION.-- <--

27 (1) TWO-THIRDS OF ANY FINE OVER \$300 collected under
28 subsection (d)(1) for an offense that occurred in a county
29 that has established a litter board or any other authority,
30 organization, department, bureau or board established by the

1 county OR WITH COUNTY SUPPORT to administer solid waste <--
2 management AND ANY LITTER ABATEMENT ACTIVITIES IN THE COUNTY <--
3 as designated by the county commissioners shall be
4 transmitted to the litter board or the other authority,
5 organization, department, bureau or board.

6 (2) THE COUNTY COMMISSIONERS SHALL DESIGNATE THE <--
7 RECIPIENT UNDER PARAGRAPH (1) BY SUBMITTING WRITTEN
8 CORRESPONDENCE TO THE DEPARTMENT DETAILING THE RECIPIENT'S
9 NAME, MAILING ADDRESS AND DESCRIPTION OF SERVICES PROVIDED IN
10 SUPPORT OF SOLID WASTE MANAGEMENT AND ANY LITTER ABATEMENT
11 ACTIVITIES.

12 Section 4. Notwithstanding the amendment of 75 Pa.C.S. §§
13 1317 and 1520, the Department of Transportation may continue to
14 use existing materials that reference a fine of up to \$300 for a
15 violation of 75 Pa.C.S. § 3709 until six months after the
16 effective date of this section.

17 Section 5. This act shall take effect in six months.