
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1454 Session of
2021

INTRODUCED BY CRUZ, KINSEY, PARKER, HOWARD, SANCHEZ, NEILSON,
DRISCOLL AND DELLOSO, MAY 21, 2021

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 21, 2021

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:

20 (1) short dumping by the imposition of a fine or penalty

1 of not more than \$5,000 and by the forfeiture of any
2 property, including any vehicle, used to violate that act,
3 regardless of the value of the property[.]; and

4 (2) disposal of waste tires by the imposition of a fine
5 or penalty of no more than \$500 per tire.

6 (b) Suspension of operating privileges.--A city of the first
7 class that imposes a fine or penalty against a person under
8 subsection [(a)] (a)(1) shall notify the Department of
9 Transportation. On receipt of such notification, the Department
10 of Transportation shall suspend the operating privileges of the
11 person granted under 75 Pa.C.S. (relating to vehicles) for a
12 period of six months.

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

22 (b.1) Records to be retained by businesses that dispose of
23 waste tires.--A business entity in a city of the first class
24 that accepts used tires for disposal shall maintain a list of
25 how many tires the business entity accepted and retain proof of
26 disposal in the form of a receipt from an authorized waste tire
27 recycling facility, as evidence of proper disposal of any tires
28 accepted by the business entity. The business entity shall
29 maintain all records for a minimum of five years and make the
30 records available to the city at the city's request. The

1 business entity shall retain the records electronically.

2 (b.2) Record review.--A city of the first class may review
3 the records of a business entity that accepts waste tires for
4 disposal. The city may request that the business entity submit a
5 copy of the business entity's records electronically or provide
6 the city with a hard copy of the records as proof that the
7 business entity complied with this act through the proper
8 disposal of all waste tires received by the business entity.

9 (b.3) Appeal.--A business entity fined by a city of the
10 first class under this section shall have the right to appeal a
11 fine levied by the city to the court of common pleas.

12 (b.4) Waste tire enforcement.--A city of the first class
13 that imposes a fine or penalty under subsection (a) (2) shall
14 utilize the money collected to:

15 (1) encourage recycling;

16 (2) expand waste tire disposal programs within a city of
17 the first class in accordance with the Waste Tire Recycling
18 Act; and

19 (3) enforce compliance with this act.

20 (c) Definitions.--As used in this section, the following
21 words and phrases shall have the meanings given to them in this
22 subsection unless the context clearly indicates otherwise:

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

26 "Short dumping." Activity by which an owner or operator, or
27 an agent thereof, of a trash, garbage or debris collection
28 vehicle, including private automobiles and small trucks or any
29 other type of vehicle used to collect or transport trash,
30 garbage or debris, knowingly causes to be deposited or deposits

1 the vehicle's load or any part thereof on any road, street,
2 highway, alley or railroad right-of-way, on the land of another
3 or into the waters of this Commonwealth.

4 "Waste tire." A tire that is no longer used for the purpose
5 for which it was originally intended. The term includes a tire
6 that has been discarded by an owner or user, and is not resold
7 for use or recycled, though the tire may have some remaining
8 useful life. A tire becomes a waste tire when it is discarded by
9 an owner or user and is not resold for use or recycled.

10 "Waste tire recycling facility." As defined in section 104
11 of the act of December 19, 1996 (P.L.1478, No.190), entitled "An
12 act relating to the recycling and reuse of waste tires;
13 providing for the proper disposal of waste tires and the cleanup
14 of stockpiled tires; authorizing investment tax credits for
15 utilizing waste tires; providing remediation grants for the
16 cleanup of tire piles and for pollution prevention programs for
17 small business and households; establishing the Small Business
18 and Household Pollution Prevention Program and management
19 standards for small business hazardous waste; providing for a
20 household hazardous waste program and for grant programs; making
21 appropriations; and making repeals."

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