

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 431 Session of 2017

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

AS AMENDED ON SECOND CONSIDERATION, JUNE 13, 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 or to] \$1,000 and be
21 required to pick up litter or illegally dumped trash for not

1 less than five nor more than 40 hours to be completed within
2 six months, or imprisonment for not more than 90 days, or
3 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 or nine
17 cubic feet or less for the first offense, where the
18 activity generating the litter or solid waste is not for
19 commercial purposes, the fine shall be not less than \$50
20 nor more than \$300.

21 (ii) For littering of more than five pounds OR NINE <--
22 CUBIC FEET but less than 100 pounds or 25 cubic feet for
23 the first offense, where the activity generating the
24 litter or solid waste is not for commercial purposes, the
25 fine shall be not 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~~ FIVE <--
2 POUNDS OR LESS OR LESS THAN NINE CUBIC FEET for the
3 second and subsequent offense, where the activity
4 generating the litter or solid waste is not for
5 commercial purposes, the fine shall be not less than \$100
6 nor more than \$500.

7 (v) For littering of more than five pounds OR NINE <--
8 CUBIC FEET but less than 100 pounds or 25 cubic feet for
9 the second and subsequent offense, where the activity
10 generating the litter or solid waste is not for
11 commercial purposes, the fine shall be not less than \$500
12 nor more than \$1,000.

13 (vi) For littering of more than 100 pounds or 25
14 cubic feet for the second and subsequent offense, or in
15 any amount or volume of solid waste where the activity
16 generating the litter or solid waste was for commercial
17 purposes, or in any volume of hazardous waste, the fine
18 shall be not less than \$1,000 nor more than \$2,000.

19 (7) (i) Two-thirds of any fine over \$300 collected
20 under paragraph (1) or (2) for an offense that occurred
21 in a county that has established a litter board or any
22 other authority, organization, department, bureau or
23 board established by the county or with county support to
24 administer solid waste management or facilitate litter
25 abatement activities in the county as designated by the
26 county commissioners shall be transmitted to the litter
27 board or the other authority, organization, department,
28 bureau or board.

29 (ii) The county commissioners shall designate the
30 recipient under subparagraph (i) by submitting written

1 correspondence to the ~~department~~ DEPARTMENT OF
2 TRANSPORTATION detailing the recipient's name, mailing
3 address and description of services provided in support
4 of solid waste management and any litter abatement
5 activities.

6 * * *

7 Section 2. Sections 1317 and 1520 of Title 75 are amended to
8 read:

9 § 1317. Acknowledgment of littering provisions.

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

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

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

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

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

1 at the time the violation occurred.

2 § 1520. Acknowledgment of littering provisions.

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

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

8 Also printed on the card shall be the following:

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

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

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

26 § 3709. Depositing waste and other material on highway,
27 property or waters.

28 * * *

29 (d) Penalty.--Any person violating any of the provisions of
30 subsection (a) or (b) commits a summary offense and shall, upon

1 conviction, be sentenced to either or both of the following:

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

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

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

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

14 (A) For littering of five pounds or less or less
15 than ~~six~~ NINE cubic feet for the first offense, where <--
16 the activity generating the litter or solid waste is
17 not for commercial purposes, a fine of \$100.

18 (B) For littering of more than five pounds OR <--
19 NINE CUBIC FEET but less than 100 pounds or 25 cubic
20 feet for the first offense, where the activity
21 generating the litter or solid waste is not for
22 commercial purposes, a fine of \$500.

23 (C) For littering of more than 100 pounds or 25
24 cubic feet or more for the first offense, where the
25 activity generating the litter or solid waste is not
26 for commercial purposes, a fine of \$1,000.

27 (D) For littering of ~~less than five pounds~~ FIVE <--
28 POUNDS OR LESS OR LESS THAN NINE CUBIC FEET for the
29 second and subsequent offense, where the activity
30 generating the litter or solid waste is not for

1 commercial purposes, a fine of \$500.

2 (E) For littering of more than five pounds OR <--
3 NINE CUBIC FEET but less than 100 pounds or 25 cubic
4 feet for the second and subsequent offense, where the
5 activity generating the litter or solid waste is not
6 for commercial purposes, a fine of \$1,000.

7 (F) For littering of more than 100 pounds or 25
8 cubic feet for the second and subsequent offense, or
9 in any amount or volume of solid waste where the
10 activity generating the litter or solid waste was for
11 commercial purposes, or in any volume of hazardous
12 waste, a fine of \$2,000.

13 * * *

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

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

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

28 (f) Alternate disposition.--

29 (1) Two-thirds of any fine over \$300 collected under
30 subsection (d)(1) for an offense that occurred in a county

1 that has established a litter board or any other authority,
2 organization, department, bureau or board established by the
3 county or with county support to administer solid waste
4 management and any litter abatement activities in the county
5 as designated by the county commissioners shall be
6 transmitted to the litter board or the other authority,
7 organization, department, bureau or board.

8 (2) The county commissioners shall designate the
9 recipient under paragraph (1) by submitting written
10 correspondence to the department detailing the recipient's
11 name, mailing address and description of services provided in
12 support of solid waste management and any litter abatement
13 activities.

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

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