

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 REPORTED FROM COMMITTEE ON TRANSPORTATION, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 13, 2018

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 AMENDING TITLES 18 (CRIMES AND OFFENSES) AND 75 (VEHICLES) OF <--
10 THE PENNSYLVANIA CONSOLIDATED STATUTES, IN NUISANCES, FURTHER
11 PROVIDING FOR THE OFFENSE OF SCATTERING RUBBISH; IN RULES OF
12 THE ROAD IN GENERAL, PROVIDING FOR DUTY OF DRIVER IN LITTER
13 ENFORCEMENT CORRIDORS; AND, IN POWERS OF DEPARTMENT AND LOCAL
14 AUTHORITIES, PROVIDING FOR DESIGNATION OF LITTER ENFORCEMENT
15 CORRIDORS AND FURTHER PROVIDING FOR SPECIFIC POWERS OF
16 DEPARTMENT AND LOCAL AUTHORITIES.

17 The General Assembly of the Commonwealth of Pennsylvania
18 hereby enacts as follows:

19 ~~Section 1. Section 6501(b)(1) and (2) of Title 18 of the~~ <--
20 ~~Pennsylvania Consolidated Statutes are amended and the~~
21 ~~subsection is amended by adding paragraphs to read:~~

22 ~~§ 6501. Scattering rubbish.~~

23 \* \* \*

24 ~~(b) Penalty.~~

1           ~~(1) A person who violates subsection (a) (1) or (2) is~~  
2 ~~guilty of a summary offense for the first offense and upon~~  
3 ~~conviction thereof shall be sentenced to pay a fine of not~~  
4 ~~less than \$50 nor more than [\$300 or to] \$1,000 and be~~  
5 ~~required to pick up litter or illegally dumped trash for not~~  
6 ~~less than five nor more than 40 hours to be completed within~~  
7 ~~six months, or imprisonment for not more than 90 days, or~~  
8 ~~both, as provided in paragraph (6).~~

9           ~~(2) A person who violates subsection (a) (1) or (2) is~~  
10 ~~guilty of a misdemeanor of the third degree for the second~~  
11 ~~and subsequent offense and upon conviction thereof shall be~~  
12 ~~sentenced to pay a fine of not less than [\$300] \$100 nor more~~  
13 ~~than [\$1,000] \$2,000, as provided in paragraph (6). The~~  
14 ~~person also may be sentenced to imprisonment or [to~~  
15 ~~performing a community service for a period not to exceed one~~  
16 ~~year] be required to pick up litter or illegally dumped trash~~  
17 ~~for not less than 40, nor more than 100 hours to be completed~~  
18 ~~within one year.~~

19           \* \* \*

20           ~~(6) Fines shall be imposed as follows:~~

21           ~~(i) For littering of five pounds or less or nine~~  
22 ~~cubic feet or less for the first offense, where the~~  
23 ~~activity generating the litter or solid waste is not for~~  
24 ~~commercial purposes, the fine shall be not less than \$50~~  
25 ~~nor more than \$300.~~

26           ~~(ii) For littering of more than five pounds or nine~~  
27 ~~cubic feet but less than 100 pounds or 25 cubic feet for~~  
28 ~~the first offense, where the activity generating the~~  
29 ~~litter or solid waste is not for commercial purposes, the~~  
30 ~~fine shall be not less than \$300 nor more than \$500.~~

1           ~~(iii) For littering of more than 100 pounds or 25-~~  
2           ~~cubic feet or more for the first offense, where the~~  
3           ~~activity generating the litter or solid waste is not for~~  
4           ~~commercial purposes, the fine shall be not less than \$500-~~  
5           ~~nor more than \$1,000.~~

6           ~~(iv) For littering of five pounds or less or less-~~  
7           ~~than nine cubic feet for the second and subsequent~~  
8           ~~offense, where the activity generating the litter or~~  
9           ~~solid waste is not for commercial purposes, the fine~~  
10           ~~shall be not less than \$100 nor more than \$500.~~

11           ~~(v) For littering of more than five pounds or nine-~~  
12           ~~cubic feet but less than 100 pounds or 25 cubic feet for~~  
13           ~~the second and subsequent offense, where the activity~~  
14           ~~generating the litter or solid waste is not for~~  
15           ~~commercial purposes, the fine shall be not less than \$500-~~  
16           ~~nor more than \$1,000.~~

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

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

1 ~~board or the other authority, organization, department,~~  
2 ~~bureau or board.~~

3 ~~(ii) The county commissioners shall designate the~~  
4 ~~recipient under subparagraph (i) by submitting written~~  
5 ~~correspondence to the Department of Transportation~~  
6 ~~detailing the recipient's name, mailing address and~~  
7 ~~description of services provided in support of solid~~  
8 ~~waste management and any litter abatement activities.~~

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 or less~~  
18 ~~than nine cubic feet for the first offense, where the~~  
19 ~~activity generating the litter or solid waste is not~~  
20 ~~for commercial purposes, a fine of \$100.~~

21                   ~~(B) For littering of more than five pounds or~~  
22 ~~nine cubic feet but less than 100 pounds or 25 cubic~~  
23 ~~feet for the first offense, where the activity~~  
24 ~~generating the litter or solid waste is not for~~  
25 ~~commercial purposes, a fine of \$500.~~

26                   ~~(C) 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~~  
29 ~~for commercial purposes, a fine of \$1,000.~~

30                   ~~(D) For littering of five pounds or less or less~~

1 ~~than nine cubic feet for the second and subsequent~~  
2 ~~offense, where the activity generating the litter or~~  
3 ~~solid waste is not for commercial purposes, a fine of~~  
4 ~~\$500.~~

5 ~~(E) For littering of more than five pounds or~~  
6 ~~nine cubic feet but less than 100 pounds or 25 cubic~~  
7 ~~feet for the second and subsequent offense, where the~~  
8 ~~activity generating the litter or solid waste is not~~  
9 ~~for commercial purposes, a fine of \$1,000.~~

10 ~~(F) For littering of more than 100 pounds or 25~~  
11 ~~cubic feet for the second and subsequent offense, or~~  
12 ~~in any amount or volume of solid waste where the~~  
13 ~~activity generating the litter or solid waste was for~~  
14 ~~commercial purposes, or in any volume of hazardous~~  
15 ~~waste, a 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.~~

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

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

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

22 Section 5. ~~This act shall take effect in six months.~~

23 SECTION 1. SECTION 6501(B)(1) AND (2) OF TITLE 18 OF THE <--  
24 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

25 § 6501. SCATTERING RUBBISH.

26 \* \* \*

27 (B) PENALTY.--

28 (1) A PERSON WHO VIOLATES SUBSECTION (A)(1) OR (2) IS  
29 GUILTY OF A SUMMARY OFFENSE FOR THE FIRST OFFENSE AND UPON  
30 CONVICTION THEREOF SHALL BE SENTENCED TO PAY A FINE OF NOT

1 LESS THAN \$50 NOR MORE THAN \$300 AND BE REQUIRED TO PICK UP  
2 LITTER OR ILLEGALLY DUMPED TRASH FOR NOT LESS THAN FIVE NOR  
3 MORE THAN 30 HOURS TO BE COMPLETED WITHIN SIX MONTHS, OR TO  
4 IMPRISONMENT FOR NOT MORE THAN 90 DAYS, OR BOTH.

5 (2) A PERSON WHO VIOLATES SUBSECTION (A) (1) OR (2) IS  
6 GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE FOR THE SECOND  
7 AND SUBSEQUENT OFFENSE AND UPON CONVICTION THEREOF SHALL BE  
8 SENTENCED TO PAY A FINE OF NOT LESS THAN \$300 NOR MORE THAN  
9 \$1,000. THE PERSON ALSO MAY BE SENTENCED TO IMPRISONMENT OR  
10 [TO PERFORMING A COMMUNITY SERVICE FOR A PERIOD NOT TO  
11 EXCEED] BE REQUIRED TO PICK UP LITTER OR ILLEGALLY DUMPED  
12 TRASH FOR NOT LESS THAN 30 NOR MORE THAN 100 HOURS TO BE  
13 COMPLETED WITHIN ONE YEAR.

14 \* \* \*

15 SECTION 2. TITLE 75 IS AMENDED BY ADDING SECTIONS TO READ:  
16 § 3329. DUTY OF DRIVER IN LITTER ENFORCEMENT CORRIDORS.

17 (A) AREAS INDICATED BY TRAFFIC-CONTROL DEVICES.--THE DRIVER  
18 OF A VEHICLE SHALL YIELD THE RIGHT-OF-WAY TO ANY AUTHORIZED  
19 VEHICLE OR PEDESTRIAN ACTUALLY ENGAGED IN WORK UPON A HIGHWAY  
20 WITHIN A LITTER ENFORCEMENT CORRIDOR INDICATED BY OFFICIAL  
21 TRAFFIC-CONTROL DEVICES PLACED IN ACCORDANCE WITH DEPARTMENT  
22 REGULATIONS, INCLUDING ADVANCED WARNING SIGNS OR A VEHICLE  
23 HAVING FLASHING OR REVOLVING YELLOW LIGHTS.

24 (B) FINES TO BE DOUBLED.--FOR ANY OF THE FOLLOWING  
25 VIOLATIONS, WHEN COMMITTED IN A LITTER ENFORCEMENT CORRIDOR  
26 DESIGNATED UNDER SECTION 6105.2 (RELATING TO DESIGNATION OF  
27 LITTER ENFORCEMENT CORRIDORS), THE FINE SHALL BE DOUBLE THE  
28 USUAL AMOUNT:

29 SECTION 3709 (RELATING TO DEPOSITING WASTE AND OTHER  
30 MATERIAL ON HIGHWAY, PROPERTY OR WATERS).

1           SECTION 4903 (RELATING TO SECURING LOADS IN VEHICLES).

2           18 PA.C.S. § 6501 (RELATING TO SCATTERING RUBBISH).

3           (C) FINES TO BE TRIPLED.--IF A PERSON IS FOUND TO BE  
4 LITTERING OR SCATTERING RUBBISH UNDER 18 PA.C.S. § 6501 THAT  
5 ORIGINATED FROM A COMMERCIAL BUSINESS, THE FINE SHALL BE TRIPLE  
6 THE USUAL AMOUNT.

7           (D) NOTICE.--OFFICIAL TRAFFIC CONTROL DEVICES SHALL BE  
8 APPROPRIATELY PLACED TO NOTIFY MOTORISTS THAT INCREASED  
9 PENALTIES APPLY FOR LITTERING VIOLATIONS WITHIN A LITTER  
10 ENFORCEMENT CORRIDOR.

11 § 6105.2. DESIGNATION OF LITTER ENFORCEMENT CORRIDORS.

12 LITTER ENFORCEMENT CORRIDORS SHALL BE DESIGNATED AS FOLLOWS:

13           (1) THE DEPARTMENT SHALL HAVE THE POWER TO DESIGNATE A  
14 SEGMENT OF ANY STATE HIGHWAY.

15           (2) A POLITICAL SUBDIVISION SHALL HAVE THE ABILITY TO  
16 PETITION THE DEPARTMENT TO DESIGNATE A SEGMENT OF ANY STATE  
17 HIGHWAY THAT IS LOCATED WITHIN THE POLITICAL SUBDIVISION'S  
18 PHYSICAL BOUNDARIES.

19           (3) A POLITICAL SUBDIVISION SHALL HAVE THE ABILITY TO  
20 DESIGNATE ANY LOCAL ROAD, BY AUTHORITY GRANTED IN SECTION  
21 6109 (RELATING TO SPECIFIC POWERS OF DEPARTMENT AND LOCAL  
22 AUTHORITIES).

23           (4) ALL SCENIC HIGHWAYS, AS DESIGNATED BY 74 PA.C.S. CH.  
24 83 (RELATING TO SCENIC HIGHWAYS), SHALL BE DEEMED LITTER  
25 ENFORCEMENT CORRIDORS.

26           SECTION 3. SECTION 6109(A) OF TITLE 75 IS AMENDED BY ADDING  
27 A PARAGRAPH TO READ:

28 § 6109. SPECIFIC POWERS OF DEPARTMENT AND LOCAL AUTHORITIES.

29           (A) ENUMERATION OF POLICE POWERS.--THE PROVISIONS OF THIS  
30 TITLE SHALL NOT BE DEEMED TO PREVENT THE DEPARTMENT ON STATE-

1 DESIGNATED HIGHWAYS AND LOCAL AUTHORITIES ON STREETS OR HIGHWAYS  
2 WITHIN THEIR PHYSICAL BOUNDARIES FROM THE REASONABLE EXERCISE OF  
3 THEIR POLICE POWERS. THE FOLLOWING ARE PRESUMED TO BE REASONABLE  
4 EXERCISES OF POLICE POWER:

5 \* \* \*

6 (24) DESIGNATING ANY LOCAL ROAD AS A LITTER ENFORCEMENT  
7 CORRIDOR, AS DESCRIBED IN SECTION 6105.2 (RELATING TO  
8 DESIGNATION OF LITTER ENFORCEMENT CORRIDORS) AND ENFORCING  
9 PENALTIES FOR VIOLATIONS OF SECTION 3329 (RELATING TO DUTY OF  
10 DRIVER IN LITTER ENFORCEMENT CORRIDORS), PROVIDED THAT THE  
11 LOCAL AUTHORITY HAS RECEIVED WRITTEN COMPLAINTS ABOUT  
12 LITTERING OR THE SCATTERING OF RUBBISH AND DEMONSTRATES THE  
13 NEED TO DESIGNATE THE LOCAL ROAD.

14 \* \* \*

15 SECTION 4. THIS ACT SHALL TAKE EFFECT IN SIX MONTHS.