
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1403 Session of
2019

INTRODUCED BY GLEIM, SCHMITT, RYAN, JAMES, BERNSTINE, GROVE,
MILLARD, NEILSON, OWLETT, OBERLANDER AND KEEFER, MAY 6, 2019

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 6, 2019

AN ACT

1 Repealing the act of July 2, 1901 (P.L.610, No.306), entitled
2 "An act to encourage the planting of trees along the
3 roadsides of this Commonwealth, and providing a penalty for
4 killing, removing or injuring the same; what disposition is
5 to be made of moneys collected as penalties, and for keeping
6 a record, by the supervisor of roads or boards of supervisors
7 of roads, of the trees so planted and upon which a tax
8 abatement has been granted."

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

11 Section 1. The act of July 2, 1901 (P.L.610, No.306),
12 entitled "An act to encourage the planting of trees along the
13 roadsides of this Commonwealth, and providing a penalty for
14 killing, removing or injuring the same; what disposition is to
15 be made of moneys collected as penalties, and for keeping a
16 record, by the supervisor of roads or boards of supervisors of
17 roads, of the trees so planted and upon which a tax abatement
18 has been granted," is repealed:

19 [AN ACT

20 To encourage the planting of trees along the roadsides of this
21 Commonwealth, and providing a penalty for killing, removing

1 or injuring the same; what disposition is to be made of
2 moneys collected as penalties, and for keeping a record, by
3 the supervisor of roads or boards of supervisors of roads, of
4 the trees so planted and upon which a tax abatement has been
5 granted.

6 Section 1. Be it enacted, &c., That any person liable to
7 road tax, who shall transplant to the side of the public highway
8 on his own premises any fruit, shade or forest trees, of
9 suitable size, shall be allowed by the supervisors of roads or
10 boards of supervisors of roads, where roads run through or
11 adjoin cultivated fields, in abatement of his road tax, one
12 dollar for every two trees set out; but no row of elms shall be
13 placed nearer than seventy feet; no row of maples or other
14 forest trees nearer than fifty feet, except locust and Carolina
15 poplar, which may be set thirty feet apart, and except fruit
16 trees, which may be set forty feet apart; and no allowance as
17 before mentioned shall be made unless such trees shall have been
18 set out the year previous to the demand for such abatement of
19 tax, and are living and well protected from domestic animals at
20 the time of such demand.

21 Section 2. Any fruit, shade or forest trees growing
22 naturally by the side of the public highway, where said public
23 highway runs through cultivated lands, shall be allowed for in
24 the same manner and on the same conditions as in the preceding
25 section.

26 Section 3. Any trees transplanted by the side of the public
27 highway, as aforesaid, in the place of trees that have died,
28 shall be allowed for in the same manner and on the same
29 conditions as in the first section of this act.

30 Section 4. No person shall be allowed an abatement, as

1 aforesaid, of more than one-quarter of his said annual road tax.

2 Section 5. Any person who shall cut down, kill or injure any
3 living tree, planted or growing naturally as aforesaid, or who
4 negligently or carelessly suffers a horse or other domestic
5 animal, driven by or for him, to injure any of the trees
6 hereinbefore mentioned, upon conviction thereof shall be subject
7 to a penalty of not less than one dollar, nor more than five
8 dollars, with costs of suit, for each and every tree so cut
9 down, killed, removed or injured: Provided, That if the
10 defendant or defendants neglect or refuse to pay at once the
11 penalty so imposed and costs, or shall not enter sufficient bail
12 for the payment of the same within ten days, he or they shall be
13 committed to the common jail of the county in which the offense
14 was committed, for a period of not less than one day for each
15 dollar of penalty imposed and costs: Provided, however, That the
16 owner of the land upon which the trees are growing and upon
17 which said abatement has been granted, may remove such trees, on
18 condition that he will immediately plant and maintain another
19 tree, or trees, in the place or places of those removed by him
20 or refund to township said abatement, originally allowed for
21 said tree or trees.

22 Section 6. All moneys collected as a penalty in accordance
23 with section five of this act, shall be paid to the supervisors
24 of roads or boards of supervisors of roads, and form part of the
25 road fund of the township in which the offense was committed.

26 Section 7. It shall be the duty of the supervisor of roads
27 or the boards of supervisors of roads to keep a permanent
28 record, in a book especially prepared for that purpose, and
29 which book shall be the property of the township, of all trees
30 upon which the said abatement, as hereinbefore mentioned, has

1 been granted; and when any tree or trees have been removed, with
2 or without the consent of the supervisors of roads or boards of
3 supervisors of roads, the date thereof shall be distinctly
4 entered in the said book.

5 Section 8. The act approved the second day of May, Anno
6 Domini one thousand eight hundred and seventy-nine, entitled "An
7 act to encourage the planting of trees along the roadsides in
8 this Commonwealth," is hereby repealed.]

9 Section 2. This act shall take effect in 60 days.