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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1540 Session of  
2013

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INTRODUCED BY D. COSTA, FLYNN, SAINATO, SNYDER, KIM, YOUNGBLOOD,  
COHEN, KOTIK, FARINA, SWANGER, CALTAGIRONE, STERN, HARHAI,  
DeLUCA, O'BRIEN, KIRKLAND, V. BROWN, HARKINS, KULA, KORTZ,  
CARROLL AND MURT, JUNE 17, 2013

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REFERRED TO COMMITTEE ON TRANSPORTATION, JUNE 17, 2013

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AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated  
2 Statutes, further providing for depositing waste and other  
3 material on highway, property or waters.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Section 3709(d) and (e) of Title 75 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 3709. Depositing waste and other material on highway,  
9 property or waters.

10 \* \* \*

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

14 (1) To pay a fine of not more than:

15 (i) [\$900] \$1,100 for a violation which occurs in an  
16 easement purchased under the program established by  
17 section 14.1 of the act of June 30, 1981 (P.L.128,

1 No.43), known as the Agricultural Area Security Law;

2 (ii) [\$600] \$800 for a violation which occurs in an  
3 agricultural security area as defined in section 3 of the  
4 Agricultural Area Security Law; or

5 (iii) [\$300] \$500 for a violation which occurs  
6 anywhere else.

7 (2) Except where infirmity or age or other circumstance  
8 would create a hardship, be directed by the court in which  
9 conviction is obtained to pick up and remove litter from  
10 public property or private property, or both, with prior  
11 permission of the legal owner. If the person has no prior  
12 record of convictions for violation of this section, he may  
13 be sentenced to pick up and remove litter for not less than  
14 eight hours nor more than 16 hours. Upon a second conviction,  
15 the person may be sentenced to pick up and remove litter for  
16 not less than 16 hours and not more than 32 hours. Upon third  
17 and subsequent convictions, he may be sentenced to pick up  
18 and remove litter for not less than 40 hours and not more  
19 than 80 hours. The court shall schedule the time to be spent  
20 on such activities in such a manner that it does not  
21 interfere with the person's employment and does not interfere  
22 substantially with the person's family responsibilities or  
23 religious obligations.

24 (e) Disposition of fines, etc.--Revenue from the collection  
25 of fines and bail forfeitures in the course of enforcement of  
26 this section shall be distributed in the following manner:

27 (1) One-half shall be distributed to the agency or local  
28 government unit which brought the action to enforce this  
29 section and may be used to defray the expenses of enforcing  
30 this section, at the option of the agency or local government

1 unit.

2 (2) One-half shall be allocated to the department for  
3 Statewide public education and awareness programs to promote  
4 litter control and recycling and awareness of the provisions  
5 of this section. At least 5% of this money must be used for  
6 signage which shall be placed along Pennsylvania roadways and  
7 notifies the public of littering fines.

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