

HOUSE BILL 1114

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11r2290

By: **Delegate Arentz**

Introduced and read first time: February 5, 2021

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2021

CHAPTER _____

1 AN ACT concerning

2 **Illegal Dumping and Litter Control Law – Yard Waste – Disposal on Highways**

3 FOR the purpose of prohibiting a person from disposing of yard waste on a highway;
4 establishing ~~a penalty for a violation~~ certain penalties for certain violations of this
5 Act; ~~requiring~~ authorizing a court to order a person ~~found guilty of disposing who~~
6 disposes of yard waste in violation of this Act to take certain actions; defining a
7 certain term; providing for the application of this Act; and generally relating to the
8 Illegal Dumping and Litter Control Law.

9 BY repealing and reenacting, with amendments,
10 Article – Criminal Law
11 Section 10–110
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2020 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Criminal Law**

17 10–110.

18 (a) (1) In this section the following words have the meanings indicated.

19 (2) “Bi–county unit” means:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (i) the Maryland–National Capital Park and Planning Commission;
2 or

3 (ii) the Washington Suburban Sanitary Commission.

4 (3) (i) “Bulky item” means any discarded furniture, home or industrial
5 appliance, or abandoned vehicle or part of an abandoned vehicle not designated for disposal
6 purposes under the laws of Prince George’s County or Charles County.

7 (ii) “Bulky item” does not include discarding, dropping, or scattering
8 of small quantities of waste matter ordinarily carried on or about the person, including:

9 1. beverage containers and closures;

10 2. packaging;

11 3. wrappers;

12 4. wastepaper;

13 5. newspapers;

14 6. magazines; and

15 7. waste matter that escapes or is allowed to escape from a
16 container, receptacle, or package.

17 (4) “Litter” means all rubbish, waste matter, refuse, garbage, trash, debris,
18 dead animals, or other discarded materials of every kind and description.

19 (5) “Public or private property” means:

20 (i) the right-of-way of a road or highway;

21 (ii) a body of water or watercourse or the shores or beaches of a body
22 of water or watercourse;

23 (iii) a park;

24 (iv) a parking facility;

25 (v) a playground;

26 (vi) public service company property or transmission line
27 right-of-way;

- 1 (vii) a building;
- 2 (viii) a refuge or conservation or recreation area;
- 3 (ix) residential or farm property; or
- 4 (x) timberlands or a forest.

5 **(6) (I) "YARD WASTE" MEANS ORGANIC PLANT WASTE DERIVED**
 6 **FROM GARDENING, LANDSCAPING, AND TREE TRIMMING ACTIVITIES.**

7 **(II) "YARD WASTE" INCLUDES LEAVES, GARDEN WASTE, LAWN**
 8 **CUTTINGS, WEEDS, AND PRUNINGS.**

9 **(III) "YARD WASTE" DOES NOT INCLUDE ORGANIC PLANT WASTE**
 10 **DERIVED FROM AN ELECTRIC COMPANY'S ACTIVITIES THAT ARE PERFORMED:**

11 **1. IN COMPLIANCE WITH THE ELECTRIC SERVICE**
 12 **RELIABILITY REQUIREMENTS ESTABLISHED UNDER § 7-213 OF THE PUBLIC**
 13 **UTILITIES ARTICLE; OR**

14 **2. IN RESPONSE TO A WEATHER EVENT WITHIN THE**
 15 **ELECTRIC COMPANY'S SERVICE TERRITORY.**

16 (b) The General Assembly intends to:

17 (1) prohibit uniformly throughout the State the improper disposal of litter
 18 on public or private property; and

19 (2) curb the desecration of the beauty of the State and harm to the health,
 20 welfare, and safety of its citizens caused by the improper disposal of litter.

21 (c) **THIS SECTION DOES NOT APPLY TO LEAVES OR OTHER YARD WASTE**
 22 **THAT IS PLACED ON OR NEAR THE CURB OR THE EDGE OF A RESIDENTIAL STREET**
 23 **FOR A SCHEDULED PICKUP.**

24 **(D)** A person may not:

25 (1) dispose of litter **OR YARD WASTE** on a highway [or];

26 **(2)** perform an act that violates the State Vehicle Laws regarding disposal
 27 of litter, glass, and other prohibited substances on highways; or

28 **[(2)] (3)** dispose or cause or allow the disposal of litter on public or private
 29 property unless:

1 (i) the property is designated by the State, a unit of the State, or a
 2 political subdivision of the State for the disposal of litter and the person is authorized by
 3 the proper public authority to use the property; or

4 (ii) the litter is placed into a litter receptacle or container installed
 5 on the property.

6 ~~(D)~~ **(E)** If two or more individuals are occupying a motor vehicle, boat, airplane,
 7 or other conveyance from which litter is disposed in violation of subsection ~~(E)~~ **(D)** of this
 8 section, and it cannot be determined which occupant is the violator:

9 (1) if present, the owner of the conveyance is presumed to be responsible
 10 for the violation; or

11 (2) if the owner of the conveyance is not present, the operator is presumed
 12 to be responsible for the violation.

13 ~~(F)~~ **(F)** Notwithstanding any other law, if the facts of a case in which a person is
 14 charged with violating this section are sufficient to prove that the person is responsible for
 15 the violation, the owner of the property on which the violation allegedly occurred need not
 16 be present at a court proceeding regarding the case.

17 ~~(G)~~ **(G)** (1) A person who violates this section is subject to the penalties
 18 provided in this subsection.

19 (2) (i) **THIS PARAGRAPH DOES NOT APPLY TO A PERSON WHO**
 20 **DISPOSES OF YARD WASTE IN VIOLATION OF THIS SECTION.**

21 **(II)** A person who disposes of litter in violation of this section in an
 22 amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of
 23 a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a
 24 fine not exceeding \$1,500 or both.

25 **[(ii)] (III)** A person who disposes of litter in violation of this section
 26 in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216
 27 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is
 28 subject to imprisonment not exceeding 1 year or a fine not exceeding \$12,500 or both.

29 **[(iii)] (IV)** A person who disposes of litter in violation of this section
 30 in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain
 31 is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5
 32 years or a fine not exceeding \$30,000 or both.

33 (3) **A PERSON WHO DISPOSES OF YARD WASTE IN VIOLATION OF THIS**
 34 **SECTION IS ~~GUILTY OF A MISDEMEANOR AND ON CONVICTION IS~~ SUBJECT TO:**

1 (I) FOR A FIRST ~~OFFENSE VIOLATION~~, A ~~FINE~~ CIVIL PENALTY
 2 NOT EXCEEDING \$300; AND

3 (II) FOR A SECOND OR SUBSEQUENT ~~OFFENSE VIOLATION~~, A
 4 ~~FINE~~ CIVIL PENALTY NOT EXCEEDING \$1,000.

5 (4) (I) [In] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
 6 PARAGRAPH, IN addition to the penalties provided under [paragraph] PARAGRAPHS (2)
 7 AND (3) of this subsection, a court may order the violator to:

8 [(i)] 1. remove or render harmless the litter disposed of in
 9 violation of this section;

10 [(ii)] 2. repair or restore any property damaged by, or pay
 11 damages for, the disposal of the litter in violation of this section;

12 [(iii)] 3. perform public service relating to the removal of litter
 13 disposed of in violation of this section or to the restoration of an area polluted by litter
 14 disposed of in violation of this section; or

15 [(iv)] 4. reimburse the State, county, municipal corporation, or
 16 bi-county unit for its costs incurred in removing the litter disposed of in violation of this
 17 section.

18 (II) IN ADDITION TO THE PENALTIES PROVIDED UNDER
 19 PARAGRAPH (3) OF THIS SUBSECTION, A COURT ~~SHALL~~ MAY ORDER A PERSON
 20 ~~FOUND GUILTY OF DISPOSING WHO DISPOSES~~ OF YARD WASTE IN VIOLATION OF THIS
 21 SECTION TO:

22 1. REMOVE OR RENDER HARMLESS, IN ACCORDANCE
 23 WITH APPLICABLE COUNTY AND MUNICIPAL ORDINANCES AND REGULATIONS, THE
 24 YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION; OR

25 2. REIMBURSE THE STATE, COUNTY, MUNICIPAL
 26 CORPORATION, OR BI-COUNTY UNIT FOR ITS COSTS INCURRED IN REMOVING THE
 27 YARD WASTE DISPOSED OF IN VIOLATION OF THIS SECTION.

28 [(4)] (5) (i) If a person is convicted of a violation under this section
 29 and the person used a motor vehicle in the commission of the violation, the court shall notify
 30 the Motor Vehicle Administration of the violation.

31 (ii) The Chief Judge of the District Court and the Administrative
 32 Office of the Courts, in conjunction with the Motor Vehicle Administration, shall establish
 33 uniform procedures for reporting a violation under this paragraph.

1 ~~(G)~~ **(H)** A law enforcement unit, officer, or official of the State or a political
2 subdivision of the State, or an enforcement unit, officer, or official of a commission of the
3 State, or a political subdivision of the State, shall enforce compliance with this section.

4 ~~(H)~~ **(I)** A unit that supervises State property shall:

5 (1) establish and maintain receptacles for the disposal of litter at
6 appropriate locations where the public frequents the property;

7 (2) post signs directing persons to the receptacles and serving notice of the
8 provisions of this section; and

9 (3) otherwise publicize the availability of litter receptacles and the
10 requirements of this section.

11 ~~(I)~~ **(J)** (1) Fines collected for violations of this section shall be disbursed:

12 (i) to the county or municipal corporation where the violation
13 occurred; or

14 (ii) if the bi-county unit is the enforcement unit and the violations
15 occurred on property over which the bi-county unit exercises jurisdiction, to the bi-county
16 unit.

17 (2) Fines collected shall be used to pay for litter receptacles and posting
18 signs as required by subsection ~~(H)~~ **(I)** of this section and for other purposes relating to the
19 removal or control of litter.

20 ~~(J)~~ **(K)** (1) The legislative body of a municipal corporation may:

21 (i) prohibit littering; and

22 (ii) classify littering as a municipal infraction under Title 6 of the
23 Local Government Article.

24 (2) The governing bodies of Anne Arundel County, Prince George's County,
25 Calvert County, and Montgomery County may each adopt an ordinance to prohibit littering
26 under this section and, for violations of the ordinance, may impose criminal penalties and
27 civil penalties that do not exceed the criminal penalties and civil penalties specified in
28 subsection ~~(G)(1)~~ **(G)(1)** through ~~[(3)]~~ **(4)** of this section.

29 (3) (i) The governing bodies of Prince George's and Charles County may
30 each adopt an ordinance to prohibit the disposal of a bulky item:

31 1. on a highway; or

1 2. on public or private property unless the property is
2 designated by the State, a unit of the State, or a political subdivision of the State for the
3 disposal of bulky items and the person is authorized by the proper public authority to use
4 the property.

5 (ii) For violations of an ordinance adopted under this paragraph, a
6 county may impose criminal penalties and civil penalties that do not exceed the criminal
7 penalties and civil penalties specified in subparagraph (iii) of this paragraph.

8 (iii) A person who disposes of a bulky item in violation of this
9 paragraph is guilty of a misdemeanor and on conviction is subject to imprisonment not
10 exceeding 30 days or a fine not exceeding \$5,000 or both.

11 ~~(L)~~ **(L)** This section may be cited as the “Illegal Dumping and Litter Control
12 Law”.

13 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
14 October 1, 2021.

Approved:

_____ Governor.

_____ Speaker of the House of Delegates.

_____ President of the Senate.