

LAWS OF DELAWARE  
VOLUME 83  
CHAPTER 212  
151st GENERAL ASSEMBLY  
FORMERLY  
SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 47  
AS AMENDED BY  
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DISCARDING YARD WASTE ON A HIGHWAY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4189, Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 4189. Putting glass or other items on a highway prohibited.

(a) ~~No person shall~~ A person may not throw or deposit ~~upon any~~ on a highway or adjacent property any glass bottle, glass, nails, tacks, wire, ~~eans~~ cans, or any other substance likely to injure ~~any~~ a person, ~~animal~~ animal, or vehicle ~~upon such~~ on the highway or adjacent property.

(b) ~~Any~~ A person who drops, or permits to be dropped or thrown, ~~upon any~~ on a highway or adjacent property any destructive or injurious material shall immediately remove the ~~same~~ destructive or injurious material or cause it to be removed.

(c) ~~No person shall~~ A person may not throw or deposit any goods, merchandise, ~~bundles~~ bundles, or litter of any ~~kind~~ kind, including yard waste, on a highway.

(d) ~~Any~~ A person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped ~~upon~~ on the highway from ~~such~~ the wrecked or damaged vehicle.

(e) ~~No person shall~~ A person may not leave, drop, throw ~~away~~ away, or otherwise dispose of trash of any ~~description~~ description, including yard waste, in quantity to exceed 5 pounds or 1 cubic foot ~~upon~~ on or alongside ~~any~~ a highway.

(f) If ~~any~~ a person witnesses the violation of subsection (a), ~~(b)~~ (b), or (c) of this section by a person in a vehicle, and the identity of the offender is not otherwise apparent, there ~~shall be~~ is a rebuttable presumption that the registered ~~owner~~ owner, if the driver's identity cannot be ~~ascertained~~ ascertained, or the driver of the vehicle is responsible for ~~such~~ the violation.

(g) ~~Whoever~~ A person who violates this section ~~shall be~~ is guilty of an unclassified misdemeanor, and ~~shall be fined~~ is subject to a fine of not less than \$115 and up to 8 hours of community service for a first offense and not less than \$125 nor more than \$287.50 and up to 25 hours of community service for a second offense within 2 years. A violation of this section, whether a first, second, or subsequent offense, that takes place on or along a "Delaware byway," as defined in § 101 of Title 17, is subject to a mandatory penalty of \$500, which must be imposed in addition to the fine.

(h) The rebuttable presumption set forth in subsection (f) of this section ~~shall~~ does not apply to operators of buses carrying 9 or more persons. ~~Whoever~~ A person who violates subsection (e) of this section ~~shall be~~ is guilty of an unclassified misdemeanor, and ~~shall be fined~~ is subject to a fine of not less than \$460 nor more than \$690. For each subsequent offense occurring within 3 years of a former offense, the person ~~shall be fined~~ is subject to a fine of not less than \$575 nor more than \$1,150. The minimum fines for a violation of this section ~~shall not be~~ are not subject to suspension. A violation of this section, whether a first, second, or subsequent offense, that takes place on or along a "Delaware byway," as defined in § 101 of Title 17, is subject to a mandatory penalty of \$500, which must be imposed in addition to the fine.

(i) As used in this section, "yard waste" means decomposable waste materials generated by yard and lawn care and includes leaves, grass trimmings, brush, wood chips, and shrub and tree trimmings.

(j) Placing yard waste on a highway in compliance with state, county, municipal, or private program requirements for collection and disposal of yard waste is not a violation of this section.

Approved September 30, 2021