SPONSOR: Sen. Lawson & Rep. Morris
Sens. Pettyjohn, Richardson, Townsend, Wilson; Reps. Briggs King, Osienski, D. Short

DELAWARE STATE SENATE
150th GENERAL ASSEMBLY

SENATE BILL NO. 232

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~~ A person ~~shall~~ may not throw or deposit ~~upon any~~ on a highway or adjacent property any glass bottle, glass, nails, tacks, wire, ~~cans~~ 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~~ A person ~~shall~~ may not throw or deposit any goods, merchandise, ~~bundles~~bundles, or litter of any ~~kind~~ kind, including yard waste, ~~upon~~ 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~~ A person ~~shall~~ 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 if the driver's identity cannot be 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~~ is subject to a fine of ~~be fined~~ 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~~ are not ~~be~~ 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.

SYNOPSIS

This Act clarifies that yard waste is included in the types of trash and litter that it is illegal to discard on a highway. This Act also defines "yard waste."

This Act also makes technical corrections to conform existing law to the standards of the Delaware Legislative Drafting Manual.

Author: Senator Lawson