



SPONSOR: Sen. Lawson & Rep. Morris  
Sens. Hansen, Hocker, Pettyjohn, Richardson, Sokola,  
Townsend, Walsh, Wilson; Reps. Briggs King, Collins,  
Osienski, Ramone

DELAWARE STATE SENATE  
151st GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1  
FOR  
SENATE BILL NO. 47

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:

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

3 § 4189. Putting glass or other items on a highway prohibited.

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

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

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

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

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

17 (f) If ~~any~~ a person witnesses the violation of subsection (a), ~~(b)~~ (b), or (c) of this section by a person in a vehicle,  
18 and the identity of the offender is not otherwise apparent, there ~~shall be~~ is a rebuttable presumption that the registered

19 ~~owner~~ owner, if the driver's identity cannot be ~~ascertained~~ ascertained, or the driver of the vehicle is responsible for such  
20 the violation.

21 (g) ~~Whoever~~ A person who violates this section ~~shall be~~ is guilty of an unclassified misdemeanor, and ~~shall be~~  
22 ~~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  
23 \$125 nor more than \$287.50 and up to 25 hours of community service for a second offense within 2 years. A violation of  
24 this section, whether a first, second, or subsequent offense, that takes place on or along a "Delaware byway," as defined in  
25 § 101 of Title 17, is subject to a mandatory penalty of \$500, which must be imposed in addition to the fine.

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

34 (i) As used in this section, "yard waste" means decomposable waste materials generated by yard and lawn care and  
35 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.

This Substitute Bill differs from Senate Bill No. 47 by removing all of the following to avoid a potential conflict of the changes exceeding the scope of the bill's title:

(1) The upper limit to the fine for a first violation of subsections (a), (b), (c), or (d) of § 4189 of Title 21.

(2) The changes addressing the redesignating error.

(3) The revision of the word "section" to "subsection" in the penalty provision regarding the penalty for violating all subsections besides subsection (e) of § 4189 of Title 21.

Author: Senator Lawson