

SB 47 -- Redline

SA 1 to SS 1 for SB 47 to Bill Text -- AN ACT TO AMEND TITLE 21 OF THE DELAWARE CODE RELATING TO DISCARDING YARD WASTE ON A HIGHWAY.

Deletions ~~struck~~ · Insertions underlined

Lawson ~~DELAWARE& STATERep. SENATE 151st GENERAL ASSEMBLY SENATE AMENDMENT NO.~~
~~1~~Morris ~~TO~~Sens. SENATE SUBSTITUTE NO.

Hansen, Hocker, Pettyjohn, Richardson, Sokola, Townsend, Walsh, Wilson;
Reps.

Briggs King, Collins, Osienski, Ramone DELAWARE STATE SENATE 151st GENERAL ASSEMBLY SENATE SUBSTITUTE NO.

47 AN ACT TO AMEND SenateTITLE Substitute21 No-OF THE DELAWARE CODE RELATING TO DISCARDING YARD WASTE ON A HIGHWAY.

1BE forIT SenateENACTED BillBY No.THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

47Section by1. inserting the following after line 35:

"(j)Amend PlacingSec. yard4189, wasteTitle on21 aof highwaythe inDelaware complianceCode withby state,making county,deletions municipal,as orshown privateby programstrike requirementsthrough for collection-and disposalinsertions ofas yardshown wasteby isunderline notas afollows: violation of this section.

"

~~SYNOPSIS SS 1 for SB 47 clarifies that yard waste is included in the types of trash and litter that it is illegal to discard on a highway, and defines "yard waste." This Amendment clarifies that placing yard waste on a highway in compliance with state, county, municipal, or private program requirements for collection and disposal of yard waste may not be interpreted to be a violation of 21 Del.~~

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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, 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 person shallA person may not throw or deposit any goods, merchandise, bundles bundles, or litter of any kind upon 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 shallA 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.

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02/09/2021 09:05 AM (g) WhoeverA 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 Sec. 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 Sec. 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.

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 Sec. 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 Sec. 4189 of Title 21.

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